



# ***CLERK'S BOARD SUMMARY***

## **REPORT OF ACTIONS OF THE FAIRFAX COUNTY BOARD OF SUPERVISORS**

**MONDAY  
September 14, 2009**

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**DAL:dal**

At a regular meeting of the Board of Supervisors of Fairfax County, Virginia, held in the Board Auditorium of the Government Center at Fairfax, Virginia, on Monday, September 14, 2009, at 9:42 a.m., there were present:

- Chairman Sharon Bulova, presiding
- Supervisor John C. Cook, Braddock District
- Supervisor John W. Foust, Dranesville District
- Supervisor Michael Frey, Sully District
- Supervisor Patrick S. Herrity, Springfield District
- Supervisor Catherine M. Hudgins, Hunter Mill District
- Supervisor Gerald W. Hyland, Mount Vernon District
- Supervisor Jeffrey C. McKay, Lee District
- Supervisor Linda Q. Smyth, Providence District

Supervisor Penelope A. Gross, Mason District, was absent from the entire meeting.

Others present during the meeting were Anthony H. Griffin, County Executive; David P. Bobzien, County Attorney; Catherine A. Chianese, Assistant County Executive; Regina Stewart, Administrative Assistant, Office of the County Executive; Nancy Vehrs, Clerk to the Board of Supervisors; Patti M. Hicks, Chief Deputy Clerk to the Board of Supervisors; and Denise A. Long, Deputy Clerk to the Board of Supervisors.

**BOARD MATTER**1. **MOMENT OF SILENCE** (9:43 a.m.)

Chairman Bulova announced that this was the first Board meeting since the August recess and she welcomed everyone back.

Chairman Bulova asked everyone to keep in thoughts the families, loved ones, and friends of people who lost their lives in 2011 (sic). She announced that the Board will recess at 12 noon to attend a 9/11 Remembrance Ceremony.

Supervisor Hyland asked everyone to keep in thoughts the wife of Jim Davis, Amy Coggin, who died recently. She was a remarkable person on behalf of the public defender's office at both the Federal and County level.

**AGENDA ITEMS**2. **CERTIFICATES OF RECOGNITION PRESENTED TO RESIDENTS AND BUSINESSES** (9:46 a.m.)**ADDITIONAL BOARD MATTER****Absence of Mason District Supervisor Penelope Gross** (9:46 a.m.)

Chairman Bulova announced that Supervisor Gross was absent from the meeting today because she was in China representing the County with her expertise in environmental policy and will be returning late tonight.

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and moved approval of the Certificates of Recognition presented to residents and businesses that have made properties for training available to County public safety workers. Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

3. **PROCLAMATION DESIGNATING SEPTEMBER 12-18, 2009, AS "CHILD PASSENGER SAFETY WEEK" IN FAIRFAX COUNTY** (9:54 a.m.)

Supervisor McKay moved approval of the Proclamation to designate September 12-18, 2009, as "*Child Passenger Safety Week*" in Fairfax County. Supervisor Foust, Supervisor Frey, and Supervisor Herrity jointly seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

4. **PROCLAMATION DESIGNATING OCTOBER 2009 AS "DOMESTIC VIOLENCE AWARENESS MONTH" IN FAIRFAX COUNTY** (10:07 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate October 2009 as "*Domestic Violence Awareness Month*" in Fairfax County. Supervisor Hyland and Supervisor McKay jointly seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

5. **PROCLAMATION DESIGNATING SEPTEMBER 15–OCTOBER 15, 2009, AS "HISPANIC HERITAGE MONTH" IN FAIRFAX COUNTY** (10:23 a.m.)

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and moved approval of the Proclamation to designate September 15-October 15, 2009, as "*Hispanic Heritage Month*" in Fairfax County. Acting-Chairman Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Gross being absent.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

6. **RESOLUTION OF RECOGNITION PRESENTED TO THE INDEPENDENT LIVING PROJECT AND ELDERLINK** (10:32 a.m.)

Supervisor Herrity moved approval of the Resolution of Recognition presented to the Independent Living Project and ElderLink for their work and receiving a Commonwealth Council on Aging 2009 Best Practices Award. Supervisor Hudgins seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

7. **PROCLAMATION DESIGNATING OCTOBER 4–10, 2009, AS "MENTAL ILLNESS AWARENESS WEEK" IN FAIRFAX COUNTY** (10:40 a.m.)

Supervisor Hudgins moved approval of the Proclamation to designate October 4-10, 2009, as "*Mental Illness Awareness Week*" in Fairfax County. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

8. **PROCLAMATION DESIGNATING SEPTEMBER 6–12, 2009, AS "SUICIDE PREVENTION WEEK" IN FAIRFAX COUNTY** (10:51 a.m.)

Supervisor Cook moved approval of the Proclamation to designate September 6-12, 2009, as "*Suicide Prevention Week*" in Fairfax County. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Hyland being out of the room, Supervisor Gross being absent.

9. **RESOLUTION OF RECOGNITION PRESENTED TO COLUMBIA LIGHTHOUSE FOR THE BLIND** (11:02 a.m.)

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and moved approval of the Resolution of Recognition presented to Columbia Lighthouse for the Blind for its Bridge to Work program. Supervisor Herrity and Supervisor McKay jointly seconded the motion and it carried by a vote of eight, Supervisor Hudgins being out of the room, Supervisor Gross being absent.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

10. **10:10 A.M. – PRESENTATION OF THE ENVIRONMENTAL EXCELLENCE AWARDS** (11:09 a.m.)

Robert D. McLaren, member of the Environmental Quality Advisory Council, presented the 2009 Environmental Excellence awards in three categories, as follows:

- Business – Allen Wayne Limited
- Organization – Earth Sangha
- County Employee – Carl Sivertsen, Health Department

NV:nv

11. **10 A.M. – PH ON THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2009 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2010 REVISED BUDGET PLAN** (11:28 a.m.)

A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issue of September 3, 2009.

Following the public hearing, Chairman Bulova read a statement entitled FY 2009 Carryover Review and FY 2011 Budget Development, copies of which were distributed to the Board. She noted that as part of the FY 2010 deliberations, the Board eliminated more than \$90 million in County spending and 306 positions.

Chairman Bulova announced the following Budget Committee meetings this fall to continue work with the County Executive and staff on direction and strategy to address FY 2011 requirements:

- **September 29, 2009, at 2:30 p.m.:** This meeting will include a presentation from both County and School staff on the latest revenue and forecast numbers as well as an update on the work of the Smart Savings Committee.

- **November 23, 2009, at 1 p.m.**: The agenda for this meeting will include an update from the County Executive on organizational restructuring proposals to be considered as well as other cross County savings initiatives.

Chairman Bulova encouraged Board Members to attend the various Community and Employee Dialogues being held around the County and to publicize these events within each district. She distributed copies of the schedule. She also noted that County union organizations and employee groups will be hosting budget discussions.

Chairman Bulova expressed appreciation to County residents who have volunteered time and talents to participate on budget committees and work groups. The Department of Management and Budget (DMB) will set up a process to facilitate information sharing among the committees, including a page on the website where contact information and questions will be published. In addition, she is hosting an information exchange meeting on October 13, 2009, from 7-9 p.m. in Conference Rooms 4 and 5 of the Government Center to assist with that process.

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and moved adoption of the Carryover package including Supplemental Appropriation Resolution (SAR) AS 10036 and amendment to the Fiscal Planning Resolution (FPR) AS 10900, including the FY 2009 Carryover Review Package as presented on August 3, 2009, which resulted in an available balance of \$66.1 million. Of this balance, \$11.4 million was utilized for Administrative Adjustments and the remaining balance of \$54.7 million, or 83 percent of the total available balance, was set aside in reserve, including the following:

- \$16.2 million for the full replenishment of the Revenue Stabilization Reserve.
- \$20 million in reserve for FY 2011 Retirement Contributions. The FY 2011 projected increase for these costs based on market changes is \$35 million.
- \$5.0 million in reserve to address potential FY 2010 requirements including declines in revenues. If this reserve is not required in FY 2010, it will be held for FY 2011 requirements.
- \$12.4 million in a reserve for FY 2011 Budget requirements.
- \$1.1 million in associated managed reserve adjustments.

The available balance as a result of these actions is \$0.

Supervisor McKay seconded the motion.

Following discussion, Supervisor Foust moved to amend the motion to:

- Authorize the Health Department to retain the five limited term positions currently funded by the Center for Disease Control (CDC) grant that ends in September and, as proposed in the Carryover documents, “the cost of those positions shall be covered through careful agency management of positions vacancies and redirection of operating expenditures.”
- Not authorize the Health Department to create the four other merit positions requested in the Carryover Review. (These positions were proposed for conversion from exempt limited term to merit.)

Supervisor Smyth seconded the amendment to the motion.

Following discussion regarding the Health Department positions, with input from Gloria Addo-Ayensu, M.D., Director, Health Department; and Anthony H. Griffin, County Executive; the question was called on the amendment, which **CARRIED** by a vote of six, Supervisor Hudgins, Chairman Bulova, and Acting Chairman Hyland voting “**NAY**,” Supervisor Gross being absent.

(NOTE: Later in the meeting, the Board took action regarding some Health Department grant positions. See Clerk’s Summary Item #19, page 11.)

12. **ORDERS OF THE DAY** (12:04 p.m.)

Noting the lateness of the hour, Chairman Bulova announced that the Board would recess to attend the 9/11 Remembrance Ceremony and continue with the Budget Carryover and the rest of the agenda later.

(NOTE: Later in the meeting, the Board continued the Budget Carryover discussion and took further actions. See Clerk’s Summary Item #14.)

13. **RECESS** (12:04 p.m.)

At 12:04 p.m. the Board recessed and, at 12:53 p.m., reconvened with all Members being present, with the exception of Supervisor Gross, and with Chairman Bulova presiding.

14. **CONTINUATION OF THE COUNTY AND SCHOOLS' FISCAL YEAR (FY) 2009 CARRYOVER REVIEW TO AMEND THE APPROPRIATION LEVEL IN THE FY 2010 REVISED BUDGET PLAN** (12:53 p.m.)

(FPR) (O)  
(SAR)

(NOTE: Earlier in the meeting, the Board held the public hearing and took some action regarding the Carryover Review. The main motion was pending. See Clerk’s Board Summary #11.)

Discussion continued on the Carryover Review regarding a Smart Savings initiative on trash collection in public schools by the County, with input from Susan Datta, Director, Department of Management and Budget, and Edward L. Long, Jr., Deputy County Executive.

Supervisor Herrity noted that the County performed an extensive analysis in the 1990s on this issue and asked unanimous consent that the Board direct staff to provide an in-depth cost analysis to explain the change in competitiveness. Following input from Ms. Datta, without objection, it was so ordered.

Discussion ensued regarding possible deferral of trash collection efforts in the Schools, recycling, and contract value service enhancements, with input from Mr. Long; Jimmie Jenkins, Director, Department of Public Works and Environmental Services; Anthony H. Griffin, County Executive; and Ms. Datta.

Chairman Bulova clarified that her motion includes the strategy that was presented by Mr. Long: make the appropriation, hold the positions and trucks in escrow until the Board of Supervisors has formally met with the School Board on September 29 to decide what to do, and address changes at that time.

Following further discussion regarding the Smart Savings Committee, Supervisor Herrity asked to amend the motion to direct staff to proceed with the trash collection initiative (not hiring staff, but acquiring the trucks) and provide a detailed analysis prior to September 29 like what would be done if a public service were to be privatized. This was accepted with the understanding that the item was left intact in the budget.

Further discussion ensued regarding the medical director for the Department of Fire and Rescue as well as organizational change for the blight abatement function, with input from Mr. Griffin.

The question was called on the motion, as amended, which carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, Chairman Bulova, and Acting-Chairman Hyland voting "AYE," Supervisor Gross being absent.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

### **ADDITIONAL BOARD MATTERS**

#### 15. **WORLD POLICE AND FIRE GAMES** (1:17 p.m.)

Supervisor Frey reminded the Board that the County was selected to host the 2015 World Police and Fire Games. The games are an Olympic-style event held biennially throughout the world to promote friendly competition, camaraderie, and international relationships among participants. More than 10,000 emergency

services personnel from over 60 countries participate in the events which rank as the second largest international athletic competition in the world.

Supervisor Frey said that staff from public safety agencies, Board offices, the Park Authority, and the Fairfax County Convention and Visitors Corporation (FCCVC) will be supporting plans and preparations for the event. In light of the planning and preparation efforts, he asserted the prudence of targeting some funding over the next several months to offset preliminary required costs. These costs include payment to the World Police and Fire Games Federation, required site visits, and promotion opportunities for the games. More detailed accounting and budget estimates for the event will be available as they are developed.

Supervisor Frey noted that a possible source of this funding is available as a result of County funding available through the FCCVC. Each year, the County transfers 25 percent of the estimated revenue received from the 2 percent additional transient occupancy tax granted as part of the 2004 General Assembly. In accordance with the County Memorandum of Understanding (MOU) with FCCVC, a reconciliation of the actual revenue received and the County's contribution to the FCCVC is performed annually. If actual designated revenue is above the estimate, the County's contribution to FCCVC is increased, but if it is below the estimate, FCCVC is obligated to return the difference to the County.

Based on actual Fiscal Year (FY) 2009 designated receipts and in accordance with the MOU, the FCCVC is obligated to return to the County \$474,611 during FY 2010. This amount has not been included in the balances previously identified to the Board pending final revenue accruals.

Accordingly, Supervisor Frey moved that the Board direct that this balance of \$474,611 (the actual amount to be determined upon completion of final audits) be retained by FCCVC solely for the purpose of funding a portion of the County's initial contribution to the 2015 World Police and Fire Games. This motion was multiply seconded.

Supervisor Foust asked to amend the motion to direct FCCVC staff to report with an accounting of the expenditure of the funds, and this was accepted.

The question was called on the motion, as amended, which carried by a vote of nine, Supervisor Gross being absent.

16. **BUDGET CHALLENGE** (1:20 p.m.)

(NOTE: Earlier in the meeting, the Board took action on the Carryover Review. See Clerk's Summary Item #11.)

Supervisor Smyth noted that of the district Supervisors, her office returned the most money to the General Fund at the end of the last fiscal year. She challenged

her fellow Board Members to find ways to save money in their offices this fiscal year.

17. **ORDERS OF THE DAY** (1:21 p.m.)

Chairman Bulova announced that the Board would consider appointments and Board Matters later in the meeting and would proceed with the administrative items.

**AGENDA ITEMS**

18. **10:25 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (No Time)

(NOTE: Later in the meeting, the Board considered these appointments. See Clerk's Summary Item #42.)

**DET:det**

19. **ADMINISTRATIVE ITEMS** (1:22 p.m.)

Supervisor Hyland moved approval of the Administrative Items. Chairman Bulova seconded the motion.

Supervisor McKay called the Board's attention to Admin 2 – Authorization to Advertise a Public Hearing on Proposed Amendments to the Code of the County of Fairfax, Chapter 61 (Building Provisions), Article 7, Regarding Addition of Civil Penalties Provision for Violations of the Virginia Maintenance Code concerning latitude to ask that the abatement of minor violations occur much more quickly than six months with input from Michael Congleton, Property Maintenance Code Official, Department of Planning and Zoning,

Supervisor McKay noted that the County was the recipient of fines for civil violations of the State building code, but the State received fines for criminal violations and inquired as to whether the County could pursue this legislatively.

Following additional input from Mr. Congleton concerning increasing criminal penalties to match civil penalties, Supervisor McKay asked unanimous consent that the Board direct staff to refer this issue to the Legislative Committee to determine possible remedies to ensure that the County receives the funds for enforcing the code. Without objection, it was so ordered.

Discussion continued concerning residential versus commercial properties with input from Ray Pylant, Commercial Inspector, Land Development Services, Department of Public Works and Environmental Services, regarding the exclusion of unsafe structures.

Supervisor Foust called the Board's attention to Admin 6 – Authorization for the Department of Transportation (DOT) to Apply for and Accept Funding for the Transportation Investment Generating Economic Recovery (TIGER) Program Funds and Support for the Regional Tiger Application and asked unanimous consent to amend the list of projects to include the three projects also being submitted by the Metropolitan Washington Airports Authority (MWAA) that are in the County which would:

- Expedite Metrorail construction in the Dulles Corridor.
- Use open road toll technology along the Dulles Toll Road.
- Improve the ramp from the I-495 high occupancy toll (HOT) lanes to the Dulles International Airport Access Highway (DIAAH).

Without objection, it was so ordered.

Supervisor Herrity called the Board's attention to Admin 7 – Authorization for the Department of Transportation (DOT) to Apply for Fiscal Year (FY) 2011 Regional Surface Transportation Program (RSTP) and Congestion Mitigation and Air Quality (CMAQ) Program Funds and inquired as to the availability of usage data for County Transit Stores, with input from Katharine Ichter, Director, Department of Transportation.

Supervisor Herrity asked unanimous consent that the Board direct staff to provide additional breakdown of staffing for the stores. Without objection, it was so ordered.

Discussion continued concerning bike and pedestrian connections to HOT lanes, with additional input from Ms. Ichter.

Supervisor Herrity called the Board's attention to Admin 11 – Approval of Supplemental Appropriation Resolution (SAR) AS 10031 for the Department of Family Services (DFS) to Accept Grant Funding from the Virginia Department of Social Services (VDSS) for the Community Services Block Grant Program and requested the location of the vacant house cited in the item with input from Judith Dittman, Executive Director, Alternative House, who stated that it was in the Providence District.

Supervisor Hudgins called the Board's attention to Admin 15 – Approval of Supplemental Appropriation Resolution (SAR) AS 10043 for the Department of Transportation (DOT) to Accept Grant Funding from the Virginia Department of Rail and Public Transportation (VDRPT) for the I-495 Capital Beltway High Occupancy Toll (HOT) Lane Construction Transportation Management Plan (TMP) and requested clarification on the establishment and funding of van pools, with input from Rollo Axton, Chief, Transit Services Division, DOT, and

Tom Biesiadny, Chief, Coordination and Funding Division, DOT, concerning the generation of federal transit dollars.

(NOTE: Earlier in the meeting, during the public hearing on Carryover Review, the Board discussed Health Department positions. See Clerk's Summary Item #11.)

Supervisor Foust called the Board's attention to Admin 17 – Approval of Supplemental Appropriation Resolution (SAR) AS 10051 for the Health Department to Accept a Department of Homeland Security (DHS) Urban Area Security Initiative (UASI) Sub-Grant Award from the Virginia Department of Emergency Management (VDEM) through the State Administrative Agency for the National Capital Region concerning whether new positions would be created by this grant. Discussion ensued with input from Dr. Gloria Addo-Ayensu, Director, Health Department, and Anthony H. Griffin, County Executive.

Supervisor McKay expressed concern regarding accepting grant positions and addressing the long-term needs of the agency. He asked unanimous consent that the Board direct staff, during budget consideration, to clarify:

- The merit positions within the Department.
- What those positions are doing and whether they are doing things that are indefinite.
- The exempt limited-term positions that can be accepted coming in to do a small project.

Without objection, it was so ordered.

Chairman Bulova suggested that there be a discussion of positions in the Health Department in the Human Services Committee.

Supervisor Hudgins asked unanimous consent that the Board direct staff to provide a list of grant and limited-term positions with the years staff have been in the positions to determine whether any of these positions should be long-term permanent positions. Without objection, it was so ordered.

The question was called on the motion to approve the Administrative Items and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Gross being absent.

**ADMIN 1 – EXTENSION OF REVIEW PERIODS FOR 2232 REVIEW APPLICATIONS (LEE, MASON, AND SPRINGFIELD DISTRICTS)**

Authorized the extension of review periods for the following Public Facility (2232) Review Applications to the dates noted:

<u>Application Number</u>	<u>Description</u>	<u>New Date</u>
2232-S09-7	Cricket Communications, Incorporated, and Verizon Wireless 130-foot monopole/light pole 4201 Stringfellow Road (Chantilly High School) (Springfield District)	November 16, 2009
2232-M09-8	T-Mobile Northeast LLC 130-foot monopole/light pole 6560 Braddock Road (Thomas Jefferson High School) (Mason District)	November 23, 2009
2232-L09-13	New Cingular Wireless PCS, LLC 155-foot monopole (tree pole) 6500 Byron Avenue (Byron Avenue Park) (Lee District)	November 23, 2009
FS-M09-43	Clearwire US LLC Antenna colocation on existing monopole 3101 Hodge Place (Jefferson Fire Station) (Mason District)	November 27, 2009

**ADMIN 2 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 61 (BUILDING PROVISIONS), ARTICLE 7, REGARDING ADDITION OF CIVIL PENALTIES PROVISION FOR VIOLATIONS OF THE VIRGINIA MAINTENANCE CODE**

- (A) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 9.)

Authorized the advertisement of a public hearing to be held before the Board on **October 19, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Chapter 61, to establish a uniform schedule of civil penalties

for specified violations of the Virginia Uniform Statewide Building Code, Part III, Maintenance (Virginia Maintenance Code).

**ADMIN 3 – INSTALLATION OF “NO PARKING” SIGNS ON THE LEESBURG PIKE SERVICE ROAD (F-1033) AT NORTHFALLS COURT (DRANESVILLE DISTRICT)**

- (R)
- Adopted the Resolution authorizing the installation of “No Parking” signs on both sides of the Leesburg Pike service road (F-1033) from the west side of parcel 11-2((12))01 to the east side of parcel 11-2((12))09.
  - Directed staff to install the signs at the earliest possible date.

**ADMIN 4 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, APPENDIX M, TO ESTABLISH THE LEE COMMUNITY PARKING DISTRICT (CPD) (LEE DISTRICT)**

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **October 19, 2009, at 4 p.m.** to consider proposed amendments to the Code of the County of Fairfax, Appendix M, to establish the Lee CPD, in accordance with current large area CPD restrictions.

**ADMIN 5 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON A PROPOSAL TO PROHIBIT THROUGH TRUCK TRAFFIC ON MEMORIAL STREET, HARRISON LANE, LOCKHEED BOULEVARD, SOUTHGATE DRIVE, LENCLAIR STREET, QUEENS ROAD, AND GROVETON STREET AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (LEE AND MOUNT VERNON DISTRICTS)**

- (A)
- Authorized the advertisement of a public hearing to be held before the Board on **October 19, 2009, at 4 p.m.** to consider endorsing the following roads to be included in the RTAP for through truck traffic restriction:
- Memorial Street between South Kings Highway and Richmond Highway
  - Harrison Lane and Lockheed Boulevard between South Kings Highway and Richmond Highway
  - Southgate Drive between South Kings Highway and Richmond Highway
  - Lenclair Street and Memorial Street between South Kings Highway and Richmond Highway

- Queens Road and Groveton Street between South Kings Highway and Richmond Highway

**ADMIN 6 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR AND ACCEPT FUNDING FOR THE TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY (TIGER) PROGRAM FUNDS; AND SUPPORT FOR THE REGIONAL TIGER APPLICATION**

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 10.)

Authorized DOT to apply for \$55.0 million in TIGER program grant funds, and support the regional priority bus application and the Washington Metropolitan Area Transit Authority's Cinder Bed Road Bus Garage application.

**ADMIN 7 – AUTHORIZATION FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO APPLY FOR FISCAL YEAR (FY) 2011 REGIONAL SURFACE TRANSPORTATION PROGRAM (RSTP) AND CONGESTION MITIGATION AND AIR QUALITY (CMAQ) PROGRAM FUNDS**

(NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 10.)

Authorized DOT to apply for FY 2011 RSTP and CMAQ Funds to be used to advance the projects listed in Attachment I of the Board Agenda Item dated September 14, 2009. No local cash match is required.

**ADMIN 8 – APPROVAL OF TRAFFIC CALMING MEASURES AND INSTALLATION OF “\$200 ADDITIONAL FINE FOR SPEEDING” SIGNS, MULTI-WAY STOP, AND “WATCH FOR CHILDREN” SIGNS AS PART OF THE RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP) (DRANESVILLE, SPRINGFIELD, LEE, AND PROVIDENCE DISTRICTS)**

- (Rs)
- Endorsed traffic calming plans for Ingleside Avenue, Trap Road, Upland Drive, and Stonewall Drive consisting of the following:
    - One speed hump on Ingleside Avenue (Dranesville District)
    - One speed hump on Trap Road (Dranesville District)
    - Two speed tables on Upland Drive (Lee District)

- Two speed tables and one raised crosswalk on Stonewall Drive (Providence District)
- Adopted the Resolution authorizing the installation of “\$200 Additional Fine for Speeding” signs on Balls Hill Road (Dranesville District).
- Authorized the installation of multi-way stops at the following intersections:
  - Loch Raven Drive and Hardy Drive (Dranesville District)
  - Russell Road and Lawrence Street (Lee)
- Adopted the Resolution authorizing the installation of “Watch for Children” signs on the following streets:
  - Hunter Village Drive (Springfield District)
  - Wooded Glen Avenue (Springfield District)
- Directed staff to request the Virginia Department of Transportation install the approved measures as soon as possible.

**ADMIN 9 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10049 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES, OFFICE OF EARLY CHILDHOOD DEVELOPMENT, FOR THE VIRGINIA STAR QUALITY INITIATIVE**

(SAR) Approved SAR AS 10049 for DFS to accept funding from the Virginia Department of Social Services, Office of Early Childhood Development, in the amount of \$73,500 for the Virginia Star Quality Initiative. The program will support the implementation of a quality rating and improvement system for a select number of early childhood programs in the County. No local cash match is required.

**ADMIN 10 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10025 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDING FROM THE US DEPARTMENT OF HEALTH AND HUMAN SERVICES (DHHS) FOR HEAD START AND EARLY HEAD START COST OF LIVING ADJUSTMENTS AND QUALITY IMPROVEMENT**

- (SAR) Approved SAR AS 10025 for DFS to accept funding from DHHS in the amount of \$400,330 for Head Start and Early Head Start cost of living adjustments and quality improvement. The required 20 percent non-federal match will be met through existing in-kind resources.

**ADMIN 11 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10031 FOR THE DEPARTMENT OF FAMILY SERVICES (DFS) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES (VDSS) FOR THE COMMUNITY SERVICES BLOCK GRANT PROGRAM**

- (SAR) (NOTE: Earlier in the meeting, the Board discussed this item. See page 10.)

Approved SAR AS 10031 for DFS to accept funding from VDSS in the amount of \$870,713 for the Community Services Block Grant program. No local cash match is required.

**ADMIN 12 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10057 FOR THE FIRE AND RESCUE DEPARTMENT (FRD) TO ACCEPT FUNDING FROM THE WASHINGTON METROPOLITAN AIRPORTS AUTHORITY (WMAA) FOR THE DULLES CORRIDOR METRORAIL TUNNEL AT THE INTERSECTION OF ROUTES 123 AND 7 RESCUE PROJECT**

- (SAR) Approved SAR AS 10057 for FRD to accept funding in the amount of \$123,000 from WMAA for the Tunnel Rescue Project. Funding will provide financial assistance for training and procuring specialized equipment to meet Occupational Safety and Health Act requirements for tunnel recovery in a mining situation. No local cash match is required.

**ADMIN 13 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10037 FOR THE OFFICE OF THE COMMONWEALTH’S ATTORNEY TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES (DCJS) FOR THE VIOLENCE AGAINST WOMEN STIMULUS PROGRAM**

- (SAR) Approved SAR AS 10037 for the Office of the Commonwealth’s Attorney to accept funding from DCJS in the amount of \$195,238 for a dedicated unit for the prosecution of domestic violence and stalking cases in the Juvenile and Domestic

Relations Court. The local match requirement of \$65,079 will be met with existing in-kind resources.

**ADMIN 14 – AUTHORIZATION FOR THE POLICE DEPARTMENT TO APPLY FOR AND ACCEPT GRANT FUNDING FROM THE OFFICE OF JUSTICE PROGRAMS (OJP) EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANTS**

Authorized the Police Department to apply for and accept funding in the amount of \$133,286, if received, from the OJP Edward Byrne Memorial Justice Assistance Grant, for technology upgrades and training. No local cash match is required.

**ADMIN 15 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10043 FOR THE DEPARTMENT OF TRANSPORTATION (DOT) TO ACCEPT GRANT FUNDING FROM THE VIRGINIA DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (VDRPT) FOR THE I-495 CAPITAL BELTWAY HIGH OCCUPANCY TOLL (HOT) LANE CONSTRUCTION TRANSPORTATION MANAGEMENT PLAN (TMP)**

(SAR) (NOTE: Earlier in the meeting, the Board discussed this item. See page 10.)

Approved SAR AS 10043 for DOT to accept funding from VDRPT in the amount of \$680,000 for the implementation of the Virginia Megaprojects Vanpool VanStart/VanSave and Employer Transportation Benefits Programs of the I-495 HOT Lanes TMP. No local cash match is required.

**ADMIN 16 – AUTHORIZATION TO ADVERTISE A PUBLIC HEARING ON PROPOSED TRANSPORTATION ENHANCEMENT PROGRAM PROJECTS**

(A) Authorized the advertisement of a public hearing to be held before the Board on **October 5, 2009, at 4 p.m.** to solicit comments and input on proposed Fiscal Year 2011 Transportation Enhancement Projects.

**ADMIN 17 – APPROVAL OF SUPPLEMENTAL APPROPRIATION RESOLUTION (SAR) AS 10051 FOR THE HEALTH DEPARTMENT TO ACCEPT A DEPARTMENT OF HOMELAND SECURITY (DHS) URBAN AREA SECURITY INITIATIVE (UASI) SUB-GRANT AWARD FROM THE VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT (VDEM) THROUGH THE STATE ADMINISTRATIVE AGENCY FOR THE NATIONAL CAPITAL REGION**

(SAR) (NOTE: Earlier in the meeting, additional action was taken regarding this item. See page 11.)

Approved SAR AS 10051 in the amount of \$114,500 for the Health Department to accept a DHS FY 2008 UASI Sub-Grant Award from VDEM. These funds will be used to support the revision of the agency's Emergency Operations Plan and to support the Medical Reserve Corps (MRC) program. No local cash match is required.

**ADMIN 18 – STREETS INTO THE SECONDARY SYSTEM  
(BRADDOCK, MASON, PROVIDENCE, AND SULLY DISTRICTS)**

(R) Approved the request that the streets listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Trinity Christian School	Braddock	Braddock Road (Route 620) (Additional ROW Only)
First Washington Realty	Mason	Arlington Boulevard Service Drive (Route F713) (Additional ROW Only)
Hunting Ridge Section 1	Providence	La Salle Avenue (Route 2750)  Colonial Lane (Route 1074)  Seneca Avenue (Route 1549) (Additional ROW Only)
Faircrest Landbay 4	Sully	Leland Road (Route 7773) (Additional ROW Only)
Leroy Harris Property	Sully	Nicholas Schar Way (Route 8012)
Sully North Investments	Sully	Air and Space Museum Parkway (Route 7833)

**ADMIN 19 – APPROVAL OF SUPPLEMENTAL APPROPRIATION  
RESOLUTION (SAR) AS 10054 FOR THE DEPARTMENT OF VEHICLE  
SERVICES (DVS) TO ACCEPT GRANT FUNDING FROM THE  
US ENVIRONMENTAL PROTECTION AGENCY (EPA) FOR THE  
CLEAN DIESEL EMERGING TECHNOLOGIES PROGRAM**

(SAR) Approved SAR AS 10054 for DVS to accept funding in the amount of \$1,334,352 from the EPA for the Clean Diesel Emerging Technologies Program to fund the purchase and installation of advanced exhaust retrofits on 32 County Public Schools' school buses.

**ADMIN 20 – STREET INTO THE SECONDARY SYSTEM  
(PROVIDENCE STREET)**

- (R) Approved the request that the street listed below be accepted into the State Secondary System:

<u>Subdivision</u>	<u>District</u>	<u>Street</u>
Tyson's Westpark	Providence	Park Run Drive (Route 6062) (Additional ROW Only)

20. **ORDERS OF THE DAY** (1:47 p.m.)

Chairman Bulova announced that following closed session, the Board would proceed with public hearings then return to action items and other matters.

21. **RECESS/CLOSED SESSION** (1:48 p.m.)

Supervisor Smyth moved that the Board recess and go into closed session for discussion and consideration of matters enumerated in Virginia Code Section (§) 2.2-3711 and listed in the agenda for this meeting as follows:

- (a) Discussion or consideration of personnel matters pursuant to Virginia Code § 2.2-3711(A) (1).
- (b) Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Virginia Code § 2.2-3711(A) (3).
- (c) Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, and consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel pursuant to Virginia Code § 2.2-3711(A) (7).
  - 1. *John McIntosh, et al. v. Amanda Perry*, Case No. CL-2009-0000354 (Fx Co. Cir. Ct.)
  - 2. *Eugenia B. White v. Fairfax County Government*, Case No. 08-2179 (U.S. Ct. App. 4th Cir.)
  - 3. *Helen Brazell v. Fairfax County Department of Family Services*, Record No. 090521 (Va. Sup. Ct.)

4. *Sheila Datta v. Fairfax County Department of Family Services*, Record No. 1008-09-4 (Va. Ct. App.)
5. *Board of Supervisors of Fairfax County, Virginia v. Krispy Kreme Doughnut Corporation*, Case No. 1:09cv653A (E.D. Va.) (Mount Vernon District)
6. *Irene Richardson and Lenir Richardson v. Andrew Lee Richardson, et al.*, Case No. CL-2007-0007994 (Fx. Co. Cir. Ct.)
7. *Lenir Richardson v. Zips Dry Cleaners and Officer Corrigan (sic)*, Case No. CL-2007-0011466 (Fx. Co. Cir. Ct.)
8. *Tyrone Boykin v. Anthony H. Griffin, County Executive*, Case No. CL-2009-0008584 (Fx. Cir. Ct.)
9. *Rita Illes v. Fairfax County, Va.*, Case No. 1:09cv858 LO/JFA (E.D. Va.)
10. *Adonis Wright v. Fairfax County, G.S. Tuggle, and Officer Shifflett, and Other Unnamed Officers, John Does*, Case No. 1:09cv949 (E.D. Va.)
11. *Janet Lyon Haight v. Fairfax County Employees' Retirement System*, Case No. CL-2009-0011834 (Fx. Co. Cir. Ct.)
12. *Nicholas Theofilos v. Fairfax County*, Case No. CL-2009-0003344 (Fx. Co. Cir. Ct.) (Dranesville District)
13. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Susan W. Butler*, Case No. CL-2008-0015767 (Fx. Co. Cir. Ct.) (Mount Vernon District)
14. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. David Strohl and Pamela L. Strohl*, Case No. CL-2008-0016691 (Fx. Co. Cir. Ct.) (Lee District)

15. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ola M. Coalson*, Case No. CL-2008-0010794 (Fx. Co. Cir. Ct.) (Lee District)
16. *Eileen M. McLane, Fairfax County Zoning Administrator v. Sunil Arora*, Case No. CL-2009-0010198 (Fx. Co. Cir. Ct.) (Mason District)
17. *Eileen M. McLane, Fairfax County Zoning Administrator v. Atef Saleeb and Mary Saleeb*, Case No. CL-2009-0002487 (Fx. Co. Cir. Ct.) (Sully District)
18. *Eileen M. McLane, Fairfax County Zoning Administrator v. The Melvin Gelman Trust and ARPA Enterprises, Inc.*, Case No. CL-2008-0015529 (Fx. Co. Cir. Ct.) (Providence District)
19. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lewis M. Lipscomb, Jr., and Floy A. Lipscomb*, Case No. CL-2007-0014495 (Fx. Co. Cir. Ct.) (Mount Vernon District)
20. *Eileen M. McLane, Fairfax County Zoning Administrator v. Derlis A. Arnez, Rosario Arnez, and Carmen R. Arnez*, Case No. CL-2008-0016093 (Fx. Co. Cir. Ct.) (Lee District)
21. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kyu H. Choe*, Case No. CL-2008-0014034 (Fx. Co. Cir. Ct.) (Lee District)
22. *Eileen M. McLane, Fairfax County Zoning Administrator v. Duane L. Hecox, Carolyn Day Hecox, and Wallace E. Day, Jr.*, Case No. CL-2008-0001326 (Fx. Co. Cir. Ct.) (Springfield District)
23. *Eileen M. McLane, Fairfax County Zoning Administrator v. Athenie F. Munoz*, Case No. CL-2008-0009340 (Fx. Co. Cir. Ct.) (Lee District)
24. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jose A. Gutierrez and Julia B. Gutierrez*, Case No. CL-2009-0002829 (Fx. Co. Cir. Ct.) (Mount Vernon District)

25. *Eileen M. McLane, Fairfax County Zoning Administrator v. Gary C. Smith, Trustee of the Smith Living Trust, and Carolyn W. Smith, Trustee of the Smith Living Trust*, Case No. CL-2009-0004848 (Fx. Co. Cir. Ct.) (Dranesville District)
26. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Leo S. Morrison*, Case No. CL-2008-0012787 (Fx. Co. Cir. Ct.) (Dranesville District)
27. *Eileen M. McLane, Fairfax County Zoning Administrator, et al. v. Carol A. Davis*, Case No. CL-2008-0014958 (Fx. Co. Cir. Ct.) (Lee District)
28. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Frank Rowe*, Case No. CL-2008-0013676 (Fx. Co. Cir. Ct.) (Braddock District)
29. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Vincent G. Hickey*, Case No. CL-2009-0006008 (Fx. Co. Cir. Ct.) (Mount Vernon District)
30. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rony Rigoberto Hernandez*, Case No. CL-2009-0005120 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team Case)
31. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Henry A. Novak and Shirley Lee Novak*, Case No. CL-2009-0009727 (Fx. Co. Cir. Ct.) (Mason District) (Strike Team/BNV Case)
32. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Margaret E. Wayne*, Case No. CL-2009-0006358 (Fx. Co. Cir. Ct.) (Mount Vernon District)

33. *Eileen M. McLane, Fairfax County Zoning Administrator v. Rodney C. Smith and Pamela W. Smith*, Case No. CL-2008-0016978 (Fx. Co. Cir. Ct.) (Mount Vernon District)
34. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ominex, Inc., et al.*, Case No. 1:09cv521 (E.D. Va.) (Mount Vernon District)
35. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official For Fairfax County, Virginia v. Osmin Hernandez Sanchez and Ana Lucia Bonilla De Hernandez*, Case No. CL-2009-0001471 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team Case)
36. *Eileen M. McLane, Fairfax County Zoning Administrator v. Apolonia G. Fuentes*, Case No. CL-2009-0008361 (Fx. Co. Cir. Ct.) (Providence District)
37. *Eileen M. McLane, Fairfax County Zoning Administrator v. Shirley A. Guernsey*, Case No. CL-2008-0011520 (Fx. Co. Cir. Ct.) (Mount Vernon District)
38. *Eileen M. McLane, Fairfax County Zoning Administrator v. Seung Ik Seo and Myung Soon Han*, Case No. CL-2009-0008136 (Fx. Co. Cir. Ct.) (Springfield District)
39. *Eileen M. McLane, Fairfax County Zoning Administrator v. Galileo Palma*, Case No. CL-2009-0006974 (Fx. Co. Cir. Ct.) (Lee District)
40. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Manote Auandee, Sandra Auandee, and Amnart Tic Auandee*, Case No. CL-2009-0007328 (Fx. Co. Cir. Ct.) (Mason District)

41. *Eileen M. McLane, Fairfax County Zoning Administrator v. Islamic Foundation of North America, Inc.*, Case No. CL-2009-0004498 (Fx. Co. Cir. Ct.) (Lee District)
42. *Eileen M. McLane, Fairfax County Zoning Administrator v. Ronald F. Tropea and Mary Jane Tropea*, Case No. CL-2009-0008545 (Fx. Co. Cir. Ct.) (Sully District)
43. *Eileen M. McLane, Fairfax County Zoning Administrator v. Son Tran and Dung H. Tran*, Case No. CL-2009-0008760 (Fx. Co. Cir. Ct.) (Providence District)
44. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yolanda Ramirez and Hernan Tambo*, Case No. CL-2009-0003974 (Fx. Co. Cir. Ct.) (Braddock District)
45. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official For Fairfax County, Virginia v. Kevin R. DeCourcy and Robyn L. Fortune*, Case No. CL-2009-0005333 (Fx. Co. Cir. Ct.) (Mount Vernon District)
46. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maria T. Cortez and Selvin Valdez*, Case No. CL-2008-0016980 (Fx. Co. Cir. Ct.) (Lee District)
47. *Eileen M. McLane, Fairfax County Zoning Administrator v. Paul L. Veeder*, Case No. CL-2009-0003259 (Fx. Co. Cir. Ct.) (Providence District)
48. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Lawrence and Joyce Brawner*, Case No. CL-2009-0009307 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team/BNV Case)
49. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan Marquez and Angela Del Carmen Marquez, a.k.a. Angela D. C. Marquez*,

Case No. CL-2009-0010490 (Fx. Co. Cir. Ct.)  
(Lee District)

50. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Potomac Custom Homes II, LLC*, Case No. CL-2009-0010550 (Fx. Co. Cir. Ct.) (Mount Vernon District)
51. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Peter L. Johnson, Lloyd K. Johnson, and Virginia M. Johnson*, Case No. CL-2009-0010551 (Fx. Co. Cir. Ct.) (Mount Vernon District)
52. *Eileen M. McLane, Fairfax County Zoning Administrator v. Yong Ho Kwon and Kristi L. Karls*, Case No. CL-2009-0010821 (Fx. Co. Cir. Ct.) (Mason District)
53. *Eileen M. McLane, Fairfax County Zoning Administrator, and Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Iris Y. Villalobos Aguilar*, Case No. CL-2009-0010920 (Fx. Co. Cir. Ct.) (Lee District)
54. *Eileen M. McLane, Fairfax County Zoning Administrator v. Johnny Paz and Marlene B. Paz*, Case No. CL-2009-0010924 (Fx. Co. Cir. Ct.) (Braddock District)
55. *Eileen M. McLane, Fairfax County Zoning Administrator v. Darioush David Movafagh and Lili Movafagh*, Case No. CL-2009-0010922 (Fx. Co. Cir. Ct.) (Hunter Mill District)
56. *Eileen M. McLane, Fairfax County Zoning Administrator v. Wayne F. Sandross and Lisa L. Sandross*, Case No. CL-2009-0010923 (Fx. Co. Cir. Ct.) (Braddock District)
57. *Eileen M. McLane, Fairfax County Zoning Administrator v. 8805 Properties, LLC*, Case No. CL-2009-0010972 (Fx. Co. Cir. Ct.) (Mount Vernon District)

58. *Eileen M. McLane, Fairfax County Zoning Administrator v. Melissa M. Schwartz, Trustee of the Schwartz Living Trust, a/k/a Melissa M. Schwartz, Trustee of the Schwartz Living Trust*, Case No. CL-2009-0010970 (Fx. Co. Cir. Ct.) (Dranesville District)
59. *Eileen M. McLane, Fairfax County Zoning Administrator v. Michael Shen*, Case No. CL-2009-0010971 (Fx. Co. Cir. Ct.) (Providence District)
60. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mary Ann R. Devine*, Case No. CL-2009-0011063 (Fx. Co. Cir. Ct.) (Mount Vernon District)
61. *Eileen M. McLane, Fairfax County Zoning Administrator v. Marlon J. Reyes*, Case No. CL-2009-0011062 (Fx. Co. Cir. Ct.) (Lee District) (Strike Team Case)
62. *Eileen M. McLane, Fairfax County Zoning Administrator v. Delfido Chavarria and Marina A. Aguirre*, Case No. CL-2009-0011230 (Fx. Co. Cir. Ct.) (Mason District)
63. *Eileen M. McLane, Fairfax County Zoning Administrator v. Eugenio Valenzuela Rivas*, Case No. CL-2009-0011619 (Fx. Co. Cir. Ct.) (Mason District)
64. *Eileen M. McLane, Fairfax County Zoning Administrator v. Juan P. Bonilla*, Case No. CL-2009-0011661 (Fx. Co. Cir. Ct.) (Providence District)
65. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Washington Mutual Bank*, Case No. CL-2009-0011617 (Fx. Co. Cir. Ct.) (Mason District)
66. *Eileen M. McLane, Fairfax County Zoning Administrator v. Alma Carranza and Luis Carranza*, Case No. CL-2009-0011725 (Fx. Co. Cir. Ct.) (Lee District)

67. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Curtis O. Williams and Barbara J. Williams*, Case No. CL-2009-0011792 (Fx. Co. Cir. Ct.) (Lee District)
68. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Carolyn Jones*, Case No. CL-2009-0011791 (Fx. Co. Cir. Ct.) (Lee District)
69. *Eileen M. McLane, Fairfax County Zoning Administrator v. Florentino Claros and Fortunata Claros*, Case No. CL-2009-0011914 (Fx. Co. Cir. Ct.) (Mason District)
70. *Eileen M. McLane, Fairfax County Zoning Administrator v. Robert Pierre Johnson Housing Development Corporation of the National Capital Area*, Case No. CL-2009-0012063 (Fx. Co. Cir. Ct.) (Mount Vernon District) (Strike Team Case)
71. *Michael R. Congleton, Property Maintenance Code Official for Fairfax County, Virginia v. Jacqueline Ball*, Case No. CL-2009-0012436 (Fx. Co. Cir. Ct.) (Lee District)
72. *Eileen M. McLane, Fairfax County Zoning Administrator v. Mohamad E. El-Achi and Rita El-Achi*, Case No. CL-2009-0012129 (Fx. Co. Cir. Ct.) (Mason District)
73. *Eileen M. McLane, Fairfax County Zoning Administrator v. Peter A. Shultz*, Case No. CL-2009-0012158 (Fx. Co. Cir. Ct.) (Springfield District)
74. *Eileen M. McLane, Fairfax County Zoning Administrator v. Leonel A. Romero and Nora E. Martinez*, Case No. CL-2009-0012157 (Fx. Co. Cir. Ct.) (Braddock District)
75. *Eileen M. McLane, Fairfax County Zoning Administrator v. Elmer A. Canas, Mauro R. Canas, and Lorenza A. Canas*, Case No. CL-2009-0012492 (Fx. Co. Cir. Ct.) (Lee District)

76. *Eileen M. McLane, Fairfax County Zoning Administrator v. Tajinder S. Ruprai*, Record No. 1466-09-4 (Va. Ct. App.) (Providence District)
77. *Eileen M. McLane, Fairfax County Zoning Administrator v. Lester R. Kerfoot, Jr., and Carole Jean Kerfoot*, Case Nos. 09-0010583 and 09-0010584 (Fx. Co. Gen. Dist. Ct.) (Lee District)
78. *Eileen M. McLane, Fairfax County Zoning Administrator v. Jahanza Khan and Shabana Khan*, Civil Case Nos. 09-0015430 and 09-0015431 (Fx. Co. Gen. Dist. Ct.) (Lee District)
79. *Eileen M. McLane, Fairfax County Zoning Administrator v. Kathleen M. Ward Ciccotelli*, Case Nos. 09-0015620 and 09-0015621 (Fx. Co. Gen. Dist. Ct.) (Lee District)
80. *Eileen M. McLane, Fairfax County Zoning Administrator v. Demetrios Demetriou and Androula Demetriou*, Case No. 09-0014890 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
81. *Eileen M. McLane, Fairfax County Zoning Administrator v. Muhammad Aziz and Shahnaz Aziz*, Case Nos. 09-0012874 and 09-0012875 (Fx. Co. Gen. Dist. Ct.) (Mount Vernon District)
82. *Eileen M. McLane, Fairfax County Zoning Administrator v. Maury A. Audet*, Case Nos. 09-0016479 and 09-0016480 (Fx. Co. Gen. Dist. Ct.) (Lee District)

And in addition:

- *Fairfax County Economic Development Authority v. Statutory Defendants*: Case Number CL-2009-0010487
- *Jimmie D. Jenkins v. Raj Mehra and Urvashi Mehra*; Case Number CL-2007-0011679
- Enterprise Resource Planning System; CN 109-101130-10

- Encroachment into County Easement on Parcel 12 A, Tax Map Number 30-4((17))
- Notice of Initial Decision and Right of Appeal in the Matter of Paradise Spring Winery, LLC
- Riding and Boarding Stables Special Permit Use in the Residential-Conservation District
- *Fairfax County Water Authority v. City of Falls Church*; Case Number CL-2008-0016114
- Americans with Disabilities Act Audit of County Facilities
- Appeal of Proffer Interpretation for RZ-86-C-121; Reston Town Center
- Discussion pursuant to *Virginia Code* Section 2.2-3711-A(5)

Supervisor Herrity seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

**DAL:dal**

At 4:37 p.m., the Board reconvened in the Board Auditorium with all Members being present, with the exception of Supervisor Gross, and with Chairman Bulova presiding.

### **ACTIONS FROM CLOSED SESSION**

22. **CERTIFICATION BY BOARD MEMBERS REGARDING ITEMS DISCUSSED IN CLOSED SESSION** (4:37 p.m.)

Supervisor Foust moved that the Board certify that, to the best of its knowledge, only public business matters lawfully exempted from open meeting requirements and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board during the closed session. Supervisor Smyth seconded the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Gross being absent.

23. **APPOINTMENT OF PATRICIA HARRISON AS DEPUTY COUNTY EXECUTIVE** (4:38 p.m.)

Supervisor Hudgins moved the appointment of Ms. Patricia Harrison, also known as Pat Franckewitz, to the position of Deputy County Executive, with an annual salary of \$175,000 effective September 28, 2009. She will work with Verdia Haywood, current Deputy County Executive, over the next several months to effect an orderly transition for County human service programs. This motion, which was multiply seconded, carried by a vote of nine, Supervisor Gross being absent.

24. **APPOINTMENT OF ROBERT BERMINGHAM, JR. TO THE POSITION OF DIRECTOR OF COURT SERVICES** (4:39 p.m.)

Supervisor Hudgins moved that the Board confirm the appointment of the judges of the Juvenile and Domestic Relations Court of Mr. Robert Bermingham, Jr. to the position of Director of Court Services, with an annual salary of \$125,000 effective October 12, 2009. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

25. **REVIEW OF THE ZONING ORDINANCE PROVISIONS** (4:40 p.m.)

Supervisor Herrity moved that the Board direct staff to refer to the next Development Process Committee for consideration, as part of the Priority One Work Program, a review of the Zoning Ordinance provisions applicable to riding and boarding stables and to prepare amendments to these provisions for the Board's consideration that will address setbacks and the other concerns as discussed in closed session. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

26. **AUTHORIZATION TO APPEAL THE DECISION IN JIMMIE D. JENKINS, DIRECTOR, FAIRFAX COUNTY DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES V. RAJ MEHRA AND URVASHI MEHRA** (4:40 p.m.)

Supervisor Foust moved that the Board authorize the County Attorney to appeal the Final Order of the Fairfax County Circuit Court entered in *Jimmie D. Jenkins, Director, Fairfax County Department of Public Works and Environmental Services v. Raj Mehra and Urvashi Mehra*, as outlined by the County Attorney in closed session. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

27. **AUTHORIZATION TO TAKE LEGAL ACTION TO REMOVE ENCROACHMENT FROM THE COUNTY-OWNED EASEMENT ON A PARCEL OF LAND KNOWN AS TAX MAP NUMBER 30-4((17)) PARCEL 12A** (4:41 p.m.)

Supervisor Foust moved that the Board authorize and direct the County Attorney to take appropriate legal action on behalf of the Board to remove any and all encroachments from the County-owned easement on the parcel of land known as Tax Map Number 30-4 ((17)) parcel 12A, as outlined by the County Attorney in closed session. Supervisor Hyland seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

### **AGENDA ITEMS**

28. **C-2 – APPEAL OF A PROFFER INTERPRETATION FOR REZONING APPLICATION RZ 86-C-121, RESTON TOWN CENTER (HUNTER MILL DISTRICT)** (4:42 p.m.)

(NOTE: Earlier in the meeting, the Board deferred this item. See Clerk's Summary Item #20.)

The Board next considered an item contained in the Board Agenda dated September 14, 2009, regarding an appeal of a proffer interpretation that determined the available development potential for Part 5 of Rezoning Application RZ 86-C-121.

Supervisor Hudgins moved that the Board reaffirm the decision of the proffer interpretation for Rezoning Application RZ 86-C-121, Reston Town Center. Supervisor Hyland and Supervisor Smyth jointly seconded the motion and it **FAILED** by a recorded vote of six, Supervisor Hudgins, Supervisor Hyland, and Supervisor Smyth voting "AYE," Supervisor Gross being absent.

Supervisor Herrity moved that the Board reverse the director's proffer interpretation for Rezoning Application RZ 86-C-121 issued on May 15, 2009. Supervisor McKay seconded the motion.

Following a brief discussion, with input from David P. Bobzien, County Attorney, regarding the motion, the question was called on the motion and it **CARRIED** by a recorded vote of six, Supervisor Hudgins, Supervisor Hyland, and Supervisor Smyth voting "NAY," Supervisor Gross being absent.

29. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION  
SEA 95-M-009 [PINECREST (E&A) LLC] (MASON DISTRICT)**  
(4:45 p.m.)

(NOTE: On August 3, 2009, the Board deferred the public hearing on this item until September 14, 2009.)

The application property is located at 6546–6552 Little River Turnpike, Tax Map 72-1 ((1)) 20D.

Mr. Steven Teets reaffirmed the validity of the affidavit for the record.

Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. Teets had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Ms. Strunk presented the staff and Planning Commission recommendations.

Chairman Bulova again noted the absence of Supervisor Gross who has been in China because of her expertise in environmental issues.

Supervisor Foust, on behalf of Supervisor Gross, moved approval of Special Exception Amendment Application SEA 95-M-009, subject to the development conditions dated August 18, 2009. Supervisor McKay seconded the motion and it carried by a vote of eight, Supervisor Hudgins being out of the room, Supervisor Gross being absent.

30. **3 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION  
SEA 2005-SP-033 (WASHINGTON DC SMSA LIMITED, PARTNERSHIP  
D/B/A VERIZON WIRELESS) (SPRINGFIELD DISTRICT)** (4:49 p.m.)

(NOTE: On August 3, 2009, the Board deferred the public hearing on this item until September 14, 2009.)

The application property is located at 7008 Elkton Drive, Tax Map 89-4 ((5)) A.

Mr. Frank Stearns reaffirmed the validity of the affidavit for the record.

Supervisor Herrity disclosed the following campaign contributions which he had received in excess of \$100 from:

- Mr. Frank Stearns, Venable LLP

- Mr. Thomas W. France, Venable LLP
- Mr. William L. Walsh, Jr., Venable LLP
- Mr. Scott Hommer III, Venable LLP

Supervisor Cook disclosed the following campaign contribution which he had received in excess of \$100 from:

- Mr. Frank Stearns, Venable LLP

Chairman Bulova disclosed the following campaign contributions which she had received in excess of \$100 from:

- Mr. John G. Milliken, Venable LLP
- Mr. David R. Lasso, Venable LLP
- Mr. Henry F. Brandenstein, Venable LLP
- Mr. William D. Dolan, III, Venable LLP
- Mr. William L. Walsh, Jr., Venable LLP
- Mr. Douglas B. McDonald, Venable LLP

Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. Stearns had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Ms. Strunk presented the staff and Planning Commission recommendations.

Supervisor Herrity moved:

- Approval of Special Exception Amendment Application SEA 2005-SP-033, subject to the development conditions dated July 27, 2009.

- Reaffirmation of the previously approved modification of the transitional screening requirements in favor of the existing screening as shown on the SE Plat.

Supervisor Smyth seconded the motion. Following a brief discussion regarding the application, the question was called on the motion and it carried by a vote of eight, Supervisor Hudgins being out of the room, Supervisor Gross being absent.

31. **3 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2007-SP-022 (TRUSTEES OF THE SYDENSTRICKER UNITED METHODIST CHURCH AND T-MOBILE NORTHEAST LLC) (SPRINGFIELD DISTRICT)** (4:54 p.m.)

The application property is at 7230 Sydenstricker Road and 8500 Hooes Road, Tax Map 89-3 ((1)) 14 and 15.

Mr. Edward Donohue reaffirmed the validity of the affidavit for the record.

Tracy Strunk, Senior Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. Donohue had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Ms. Strunk presented the staff and Planning Commission recommendations.

Supervisor Herrity moved:

- Approval of Special Exception Application SE 2007-SP-022, subject to the development conditions dated July 23, 2009.
- Modification of the transitional screening requirements to that shown on the SE Plat.
- Waiver of the barrier requirements.
- Modification of the fence height to allow a total height of 8.5 feet, as shown on the SE Plat.

Supervisor Foust and Supervisor McKay jointly seconded the motion and it carried by a vote of seven, Supervisor Cook and Supervisor Hudgins being out of the room, Supervisor Gross being absent.

(NOTE: On July 29, 2009, the Planning Commission approved Public Facilities Application 2232-S07-3. The Commission noted that the proposed telecommunications facility was in conformance with the recommendations of the Comprehensive Plan and met the criteria of character, location, and extent, as set forth in Section 15.2-2232 of the *Code of Virginia*.)

32. **3:30 P.M. – PH ON SPECIAL EXCEPTION AMENDMENT APPLICATION SEA 89-L-080 (SUNOCO, INCORPORATED [R&M]) (LEE DISTRICT)** (4:59 p.m.)

Supervisor McKay moved to defer the public hearing on Special Exception Amendment Application SEA 89-L-080 until **October 19, 2009, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of seven, Supervisor Cook and Supervisor Hudgins being out of the room, Supervisor Gross being absent.

33. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-PR-006 (ARLINGTON BOULEVARD CONSOLIDATION LLC) (PROVIDENCE DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2009-PR-007 (ARLINGTON BOULEVARD CONSOLIDATION LLC) (PROVIDENCE DISTRICT)**

**AND**

**PH ON PROFFERED CONDITION AMENDMENT APPLICATION PCA 2004-PR-003-02 (ARLINGTON BOULEVARD CONSOLIDATION LLC) (PROVIDENCE DISTRICT)** (4:59 p.m.)

- (O) The Rezoning Application RZ 2009-PR-006 property is located on the north side of Pennell Street, approximately 500 feet west of intersection with Williams Drive, Tax Map 49-3 ((9)) 6 and 6A.

The Proffered Condition Amendment Application PCA 2009-PR-007 property is located on the south side of Arlington Boulevard, approximately 450 feet west of intersection with Williams Drive, Tax Map 49-3 ((1)) 104B.

The Proffered Condition Amendment Application PCA 2004-PR-003-02 property is located on the south side of Arlington Boulevard approximately 225 feet west

of its intersection with Williams Drive and north of Pennell Street, Tax Map 49-3 ((1)) 135; 49-3 ((9)) 7A and 11A.

Mr. Timothy Sampson reaffirmed the validity of the affidavit for the record.

Supervisor McKay disclosed that he received a campaign contribution, within the 12 month period prior to this public hearing, in excess of \$100 from the Northern Virginia Association of Realtors, PAC, which entity is not a party to these applications but it may be related to Northern Virginia Association of Realtors, Incorporated, which is listed on the last approved affidavits of record dated August 3, 2009, as a former member of Arlington Boulevard Consolidation LLC, the applicant/title owner.

Supervisor Herrity disclosed that he received a campaign contribution, within the 12 month period prior to this public hearing, in excess of \$100 from the Northern Virginia Association of Realtors, PAC, which entity is not a party to these applications but it may be related to Northern Virginia Association of Realtors, Incorporated, which is listed on the last approved affidavits of record dated August 3, 2009, as a former member of Arlington Boulevard Consolidation LLC, the applicant/title owner.

Chairman Bulova disclosed that she received a campaign contribution, within the 12 month period prior to this public hearing, in excess of \$100 from the Northern Virginia Association of Realtors, PAC, which entity is not a party to these applications but it may be related to Northern Virginia Association of Realtors, Incorporated, which is listed on the last approved affidavits of record dated August 3, 2009, as a former member of Arlington Boulevard Consolidation LLC, the applicant/title owner.

Supervisor Foust disclosed that he received a campaign contribution, within the 12 month period prior to this public hearing, in excess of \$100 from the Northern Virginia Association of Realtors, PAC, which entity is not a party to these applications but it may be related to Northern Virginia Association of Realtors, Incorporated, which is listed on the last approved affidavits of record dated August 3, 2009, as a former member of Arlington Boulevard Consolidation LLC, the applicant/title owner.

William O'Donnell, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Mr. Sampson had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and he proceeded to present his case.

Following the public hearing, Mr. O'Donnell presented the staff and Planning Commission recommendations.

Supervisor Smyth moved:

- Amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-PR-006, from the R-1 District to the C-3 District, subject to the proffers dated September 8, 2009.
- Approval of Proffered Condition Amendment Application PCA 2004-PR-003-02, subject to the proffers dated September 8, 2009.
- Approval of Proffered Condition Amendment Application PCA 2009-PR-007, subject to the proffers dated September 8, 2009.
- Modification of the loading space requirement for office uses to permit a maximum of four loading spaces as shown on the Generalized Development Plan.
- Waiver of the interior parking lot landscaping requirement for the upper level of the parking structure located on Tax Map 49-3 ((1)) 104B and 135.
- Waiver of the service drive requirement along Route 50 in favor of the applicant providing interparcel access to the adjacent property to the west.

Supervisor Foust seconded the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Hudgins being out of the room, Supervisor Gross being absent.

**EBE:ebe**

34. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2009-MA-012 (BOARD OF SUPERVISOR'S OWN MOTION) (MASON DISTRICT)**  
(5:09 p.m.)

(O) The application property is located in the northeast quadrant of the intersection of Alpine Drive and Evergreen Lane, Tax Map 71-2 ((2)) 29.

Kris Abrahamson, Branch Chief, Rezoning Evaluation Division, Department of Planning and Zoning (DPZ), reaffirmed the validity of the affidavit for the record.

Ms. Abrahamson had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, Ms. Abrahamson presented the staff and Planning Commission recommendations.

On behalf of Supervisor Gross, Supervisor Foust moved amendment of the Zoning Ordinance, as it applies to the property which is the subject of Rezoning Application RZ 2009-MA-012, from the PDH-5, HC, and SC Districts to the R-5, HC, and SC Districts, subject to the proffers dated August 4, 2009. Supervisor Smyth seconded the motion and it carried by a vote of seven, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Herrity and Supervisor Hudgins being out of the room, Supervisor Gross being absent.

35. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-MV-010 (WACHOVIA BANK) (MOUNT VERNON DISTRICT)**  
(5:13 p.m.)

The application property is located at 8770 Richmond Highway, Tax Map 109-2 ((1)) 23.

Supervisor Hyland moved to defer the public hearing on Special Exception Application SE 2009-MV-010 until **October 5, 2009, at 3:30 p.m.** Chairman Bulova seconded the motion and it carried by a vote of eight, Supervisor Hudgins being out of the room, Supervisor Gross being absent.

36. **3:30 P.M. – PH ON SPECIAL EXCEPTION APPLICATION SE 2009-MA-004 (TERAA, LLC) (MASON DISTRICT)** (5:14 p.m.)

The application property is located at 6540 Edsall Road, Tax Map 80-2 ((1)) 58.

Ms. Lori R. Greenlief reaffirmed the validity of the affidavit for the record.

Ms. Greenlief had filed the necessary notices showing that at least 25 adjacent and/or interested parties had been notified of the date and hour of this public hearing and she proceeded to present her case.

Following the public hearing, which included testimony by two speakers, Suzianne Zottl, Staff Coordinator, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff and Planning Commission recommendations.

On behalf of Supervisor Gross, Supervisor Foust moved:

- Approval of Special Exception Amendment Application SE 2009-MA-004, subject to the development conditions dated July 15, 2009.
- Direction to the Department of Public Works and Environmental Services to waive the tree inventory and the poor condition analysis as outlined in Section 12.0502.1A of the Public Facilities Manual.

Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

37. **3:30 P.M. – PH ON REZONING APPLICATION RZ 2005-HM-028 (PEDRO AND CARMEN TOSCANO, JR.) (HUNTER MILL DISTRICT)**

**AND**

**PH ON SPECIAL EXCEPTION APPLICATION SE 2007-HM-023 (PEDRO AND CARMEN TOSCANO, JR.) (HUNTER MILL DISTRICT) (5:21 p.m.)**

Supervisor Hudgins moved to defer the public hearing on Rezoning Application RZ 2005-HM-028 and Special Exception Application SE 2007-HM-223 until **October 19, 2009, at 3:30 p.m.** Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

38. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 112 (ZONING ORDINANCE), REGARDING SINGLE FAMILY DETACHED DWELLING GRADE (5:22 p.m.)**

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 27 and September 3, 2009.

Jack Reale, Senior Assistant to the Zoning Administrator, Department of Planning and Zoning, (DPZ), presented the staff report.

Discussion ensued with input from Mr. Reale, Eileen M. McLane, Zoning Administrator, DPZ; and Regina Coyle, Director, Zoning Evaluation Division, DPZ; regarding the \$885 minimal fee and whether it covers the County's cost and the basis for measuring building heights.

Further discussion ensued with input from James W. Patteson, Director, Land Development Services, Department of Public Works and Environmental Services, regarding the breakdown of the application fee and the cost implications, as well as the time frame this adds to the application process.

Supervisor McKay submitted items for the record.

Discussion continued with input from Mr. Reale, Ms. McLane, and Mr. Patteson, regarding the looming height requirements for all the categories for R-1, R-E, and R-C zoning districts and when the pre-existing grade is set for new developments.

Following the public hearing, Mr. Reale presented the staff and Planning Commission recommendation.

Supervisor Frey moved:

- Adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance).
- That the following be grandfathered from the proposed building height measurement as it pertains to grade:
  - All special permit, special exception, and proffered rezoning applications and amendments thereto that set forth building heights for single family detached dwelling units, when approved prior to the effective date of this amendment.
  - Building and grading plans submitted on or before the effective date of the amendment, provided:
    - The grading plan and building permit are approved within 12 months of the return of the initial submission to applicant/agent.
    - The plan or permit does not expire.
    - A building permit for the structure(s) shown on the approved plan is issued.
    - The structure is constructed in accordance with the approved permit.
- Any other circumstances giving rise to a vested right as set forth in Virginia Code Ann. § 15.2-2307.

- That the Board direct staff to review the current single family detached dwelling building height limitation of 35 feet, to consider whether it may be appropriate to increase this height limitation for single family detached dwellings that are located on lots in the R-1, R-E and R-C districts, of a certain minimum size, and set back a specified distance from all lot lines.

Supervisor Hyland and Supervisor McKay jointly seconded the motion.

A short discussion ensued regarding what the next steps are regarding the process and that staff will continue to look at additional tools regarding the process.

The question was called on the motion and it carried by a vote of nine, Supervisor Cook, Supervisor Foust, Supervisor Frey, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Gross being absent.

39. **4 P.M. – PH ON THE ACQUISITION OF CERTAIN LAND RIGHTS NECESSARY FOR THE CONSTRUCTION OF CENTER LANE STORMWATER MANAGEMENT DRAINAGE IMPROVEMENTS – PROJECT CA8000 (CA004) (MASON DISTRICT) (5:59 p.m.)**

- (R) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 27 and September 3, 2009.

Beth Parker, Land Acquisition Division, Department of Public Works and Environmental Services (DPWES), presented the staff report.

Following the public hearing, on behalf of Supervisor Gross, Supervisor Foust moved adoption of the Resolution authorizing the acquisition of certain land rights necessary for the construction of Project CA8000 (CA004) – Center Lane Stormwater Management Drainage Improvements, Fund 318, Stormwater Management Program. Supervisor McKay seconded the motion and it carried by a vote of seven, Supervisor Foust, Supervisor Herrity, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting "AYE," Supervisor Cook and Supervisor Frey being out of the room, Supervisor Gross being absent.

40. **4 P.M. – PH ON PROPOSED AMENDMENTS TO THE CODE OF THE COUNTY OF FAIRFAX, CHAPTER 67.1 (SANITARY SEWERS AND SEWAGE DISPOSAL), IN COMPLIANCE WITH THE ENVIRONMENTAL PROTECTION AGENCY’S (EPA) NEW PRETREATMENT STREAMLINING RULE AND MISCELLANEOUS EPA AND COUNTY HOUSEKEEPING UPDATES** (6:02 p.m.)

- (O) A Certificate of Publication was filed from the editor of the *Washington Times* showing that notice of said public hearing was duly advertised in that newspaper in the issues of August 27 and September 3, 2009.

Shahram Mohsenin, Director, Wastewater Planning and Monitoring Division, Department of Public Works and Environmental Services, presented the staff report.

Following the public hearing, Supervisor Foust moved adoption of the proposed amendments to the Code of the County of Fairfax, Chapter 67.1 (Sanitary Sewers and Sewage Disposal), in compliance with the EPA’s new pretreatment streamlining rule and miscellaneous EPA and County housekeeping updates. Supervisor Hudgins seconded the motion and it carried by a vote of six, Supervisor Foust, Supervisor Hudgins, Supervisor Hyland, Supervisor McKay, Supervisor Smyth, and Chairman Bulova voting “AYE,” Supervisor Cook, Supervisor Frey, and Supervisor Herrity being out of the room, Supervisor Gross being absent.

41. **4 P.M. – PH ON AREA PLANS REVIEW ITEM APR 08-III-1DS, LOCATED NORTHEAST OF THE STONECROFT BOULEVARD AND STONECROFT CENTER COURT INTERSECTION (SULLY DISTRICT)** (6:04 p.m.)

A Certificate of Publication was filed from the Editor of the *Washington Times* showing that notice of said public hearing had been duly advertised in that newspaper in the issues of August 27 and September 3, 2009.

Bernard Suchicital, Planner II, Policy and Plan Development Branch, Planning Division, Department of Planning and Zoning, gave a brief description of the application and site location.

Following the public hearing, Mr. Suchicital presented the staff and Planning Commission recommendations.

Supervisor Frey moved approval of APR Item 08-III-1DS, as recommended by the Planning Commission. This recommendation adds an option for vehicle sale, rental, and ancillary uses up to .35 floor area ratio with conditions addressing site design and access. Supervisor Hyland seconded the motion and it carried by a vote of seven, Supervisor Cook and Supervisor McKay being out of the room, Supervisor Gross being absent.

42. **10:25 A.M. – APPOINTMENTS TO CITIZEN BOARDS, AUTHORITIES, COMMISSIONS, AND ADVISORY GROUPS** (6:07 p.m.)

(APPTS)  
(BACs)

**ADVISORY SOCIAL SERVICES BOARD**

Supervisor Foust moved the reappointment of Ms. Penny Chaboudy as the Dranesville District Representative. Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Gross being absent.

Supervisor Smyth moved the reappointment of Mr. Sydney Stakley as the Providence District Representative. Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Gross being absent.

The Board deferred the appointment of the Braddock District Representative.

**AFFORDABLE DWELLING UNIT ADVISORY BOARD**

The Board deferred the appointments of the Citizen and the Lending Institution Representatives.

**AGRICULTURAL AND FORESTAL DISTRICT ADVISORY BOARD**

The Board deferred the appointment of the Farmer #3 Representative.

**AIRPORTS ADVISORY COMMITTEE**

Supervisor Cook moved the appointment of Mr. Robert Devery as the Braddock District Representative. Supervisor Herrity and Supervisor Hyland jointly seconded the motion, which carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Gross being absent.

**ALCOHOL SAFETY ACTION PROGRAM LOCAL POLICY BOARD**

Chairman Bulova moved the appointment of Mr. Jeremy Schottler as the At-Large #4 Representative. Supervisor Foust seconded the motion, which carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Gross being absent.

**ARCHITECTURAL REVIEW BOARD**

Supervisor Frey moved the appointment of Mr. Jason Sutphin as the Related Professional Group #6 Representative. Supervisor Foust seconded the motion, which carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Gross being absent.

**ATHLETIC COUNCIL**

The Board deferred the appointments of the Braddock District Alternate, Dranesville District Alternate, and Lee District Alternate Representatives.

(NOTE: Later in the meeting, the Board appointed the Lee District Alternate Representative. See page 15.)

**BOARD OF BUILDING AND FIRE PREVENTION CODE APPEALS**

The Board deferred the appointments of the Alternate #2 and Design Professional #3 Representatives.

**CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS**

Supervisor Hudgins moved the reappointment of Ms. Kathy Hannon Cope as the At-Large #2 Representative. Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Gross being absent.

Supervisor Foust, on behalf of Supervisor Gross, moved the appointment of Ms. Jill Patrick as the At-Large #3 Representative. Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Gross being absent.

Chairman Bulova and Supervisor Herrity jointly moved the reappointment of Mr. Peter F. Murphy as the At-Large #4 Representative. Supervisor Foust seconded the motion, which carried by a vote of eight, Supervisor McKay being out of the room, Supervisor Gross being absent.

The Board deferred the appointment of the At-Large #1 Representative.

(NOTE: Later in the meeting, the Board appointed the At-Large #1 Representative. See Page #45.)

**CHILD CARE ADVISORY COUNCIL**

Supervisor Hyland moved the reappointment of Ms. Karen Hecker as the Mount Vernon District Representative. Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

Supervisor McKay moved the reappointment of Ms. Tamara Derenak as the Lee District Representative. Supervisor Herrity seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

**ATHLETIC COUNCIL**

(NOTE: Earlier in the meeting, the Board deferred this appointment. See page 44.)

Supervisor McKay moved the appointment of Ms. Karin Stamper as the Lee District Alternate Representative. Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

**CELEBRATE FAIRFAX, INCORPORATED BOARD OF DIRECTORS**

(NOTE: Earlier in the meeting, the Board deferred this appointment. See page 44.)

Supervisor McKay moved the reappointment of Mr. Steve Sherman as the At-Large #1 Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

**CIVIL SERVICE COMMISSION**

The Board deferred the appointment of the At-Large #8 Representative.

**COMMISSION FOR WOMEN**

The Board deferred the appointment of the Mason District Representative.

**COMMISSION ON ORGAN AND TISSUE DONATION AND TRANSPLANTATION**

The Board deferred the appointment of the Religious Community Representative.

**CONSUMER PROTECTION**

Supervisor Foust moved the reappointment of Mr. James Mrowka as the Fairfax County Resident #6 Representative. Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

**CRIMINAL JUSTICE ADVISORY BOARD**

Supervisor McKay moved the reappointment of Ms. Joy Marlene Bryan as the Lee District Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

Supervisor Herrity moved the reappointment of Mr. A. Joseph Jay as the Springfield District Representative. Chairman Bulova seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

The Board deferred the appointments of the At-Large and Providence District Representatives.

**ENGINEERING STANDARDS REVIEW COMMITTEE**

The Board deferred the appointment of the Citizen #2 Representative.

**CONFIRMATION:**

Supervisor Smyth moved confirmation of the following appointment:

- Mr. Daniel C. Adams as the Heavy Construction Contractors Association Representative

Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

**ENVIRONMENTAL QUALITY ADVISORY COUNCIL**

Supervisor Cook moved the appointment of Mr. Frank Divita as the Braddock District Representative. Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

**FAIRFAX AREA DISABILITY SERVICES BOARD**

The Board deferred the appointment of the At-Large #1 Business Community and the Providence District Representatives.

**FAIRFAX COMMUNITY LONG TERM CARE COORDINATING COUNCIL****CONFIRMATION:**

Supervisor Smyth moved confirmation of the following appointment:

- Mr. Myles Nienstadt as the Business/Corporation Representative

Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

**FAIRFAX-FALLS CHURCH COMMUNITY SERVICES BOARD**

Chairman Bulova moved the appointment of Ms. Pamela Barrett as the At-Large Chairman's Representative. Supervisor Hudgins seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

**HEALTH SYSTEMS AGENCY BOARD**

The Board deferred the appointments of the Consumer #5 and Provider #1 Representatives.

**HUMAN RIGHTS COMMISSION**

Chairman Bulova moved the reappointment of Mr. Victor Dunbar as the At-Large #3 Representative. This motion was multiply seconded, and it carried by a vote of nine, Supervisor Gross being absent.

Supervisor Cook moved the reappointment of Ms. Amy Sanborn Owen as the At-Large #10 Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

The Board deferred the appointment of the At-Large #1 Representative.

**HUMAN SERVICES COUNCIL**

Supervisor Cook moved the appointment of Ms. Wendy Breseman as the Braddock District Representative. Supervisor Frey and Supervisor Hyland seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

On behalf of Supervisor Gross, Chairman Bulova moved the reappointment of Mr. Michael Kwon as the Mason District Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

**INDUSTRIAL DEVELOPMENT AUTHORITY**

The Board deferred the appointment of the At-Large #3 Representative.

**JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL**

The Board deferred the appointment of the Providence District Representative.

**LIBRARY BOARD**

On behalf of Supervisor Gross, Chairman Bulova moved the reappointment of Ms. Elizabeth Clements as the Mason District Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

Supervisor Hyland moved the appointment of Ms. Doreen Jagodnik as the Mount Vernon District Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

#### **OVERSIGHT COMMITTEE ON DRINKING AND DRIVING**

The Board deferred the appointments of the Braddock and the Providence District Representatives.

#### **SMALL BUSINESS COMMISSION**

Chairman Bulova moved the appointment of Mr. John Pellegrin as the At-Large #1 Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

Chairman Bulova moved the appointment of Ms. Margaret Schottler as the At-Large #3 Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

#### **SOUTHGATE COMMUNITY CENTER ADVISORY COUNCIL**

The Board deferred the appointment of the Fairfax County #4 Representative.

#### **TENANT LANDLORD COMMISSION**

The Board deferred the appointments of the Citizen Member #1 and Landlord Member #3 Representatives.

#### **TRAILS AND SIDEWALKS COMMITTEE**

The Board deferred the appointment of the At-Large Chairman's Representative.

#### **TREE COMMISSION**

The Board deferred the appointments of the Springfield District and Sully District Representatives.

#### **CONFIRMATION:**

Supervisor Hyland moved confirmation of the following appointments:

- Ms. Heather Schinkel as the Park Authority Representative
- Mr. James McGlone as the Virginia Department of Forestry Representative

- Mr. David Ouderkirk as the Environmental Quality Advisory Council Representative

Supervisor Smyth seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

### **TRESPASS TOWING ADVISORY BOARD**

Chairman Bulova moved the reappointment of Mr. Ronald Miner as the Citizen Representative. Supervisor McKay seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

### **WATER AUTHORITY**

Supervisor Smyth moved the appointment of Mr. Richard Dotson as the Providence District Representative. Supervisor Foust seconded the motion, which carried by a vote of nine, Supervisor Gross being absent.

### **WETLANDS BOARD**

The Board deferred the appointment of the At-Large #1 Representative.

**DET:det**

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### **A-1 – ESTABLISHMENT OF THE NUMBER OF TAXICAB CERTIFICATES FOR THE BIENNIAL PERIOD 2009 – 2010** (6:20 p.m.)

Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and moved that the Board concur in the recommendation of staff and approve maintaining the current number of taxicab certificates at 576 for the biennial period 2009 – 2010. Supervisor Foust seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

44.

### **A-2 – ENDORSEMENT OF ELIGIBILITY AND PROCEDURAL REQUIREMENTS OF MINOR ARTERIAL STREETS FOR INCLUSION INTO THE FAIRFAX COUNTY RESIDENTIAL TRAFFIC ADMINISTRATION PROGRAM (RTAP)** (6:21 p.m.)

Supervisor Hudgins moved that the Board concur in the recommendation of staff and endorse the criteria for roads functionally classified by the Virginia Department of Transportation as minor arterials in the County-specific guidelines of the RTAP. Supervisor Hyland seconded the motion.

Discussion ensued regarding Board Members' concerns with input from William P. Harrell, Senior Transportation Planner, and Steven Knudsen, Transportation Planner II, Traffic Operations Division, Department of Transportation, regarding eligibility.

The question was called on the motion and it **CARRIED** by a recorded vote of eight, Supervisor Frey voting "NAY," Supervisor Gross being absent.

45. **A-3 – APPROVAL OF A PROJECT AGREEMENT AND FUNDING FOR COUNTY-FUNDED ROADWAY IMPROVEMENTS TO STRINGFELLOW ROAD AND THE STRINGFELLOW ROAD PARK-AND-RIDE LOT (SPRINGFIELD AND SULLY DISTRICTS)**  
(6:28 p.m.)

On motion of Supervisor Frey, seconded by Supervisor Herrity, and carried by a vote of nine, Supervisor Gross being absent, the Board concurred in the recommendation of staff and approved a project agreement in substantial form, including the provision of using:

- Up to \$43 million in available County transportation funds and \$2 million in Virginia Department of Transportation Revenue Sharing funds for the widening of Stringfellow Road from US Route 50 to Fair Lakes Boulevard from two lanes to four lanes.
- \$5.5 million in available County transportation bond funds for the expansion of the Stringfellow Road Park-and-Ride Lot.

46. **A-4 – PRESENTATION OF LISTS OF DELINQUENT REAL ESTATE, PERSONAL PROPERTY, AND BUSINESS, PROFESSIONAL, AND OCCUPATIONAL LICENSE (BPOL) TAXES FOR TAX YEAR 2008 (FISCAL YEAR 2009)** (6:29 p.m.)

On motion of Supervisor Frey, seconded by Supervisor Hyland, and carried by a vote of nine, Supervisor Gross being absent, the Board concurred in the recommendation of staff to continue the collection of taxes, as provided by law, except the "small tax amounts" for which credit is given.

47. **A-5 – ADOPTION OF A PROPOSED AMENDMENT TO THE RULES OF PROCEDURE REGARDING TIME ALLOCATIONS FOR SPEAKERS AT BOARD PUBLIC HEARINGS** (6:29 p.m.)

On a joint motion of Supervisor Hyland and Supervisor Smyth, seconded by Supervisor Foust, and carried by a vote of nine, Supervisor Gross being absent, the Board concurred in the recommendation of staff and adopted a proposed amendment to the Rules of Procedure regarding new time allocations for persons addressing the Board at public hearings: three minutes for individuals and five minutes for the single authorized representative of an organization.

48. **A-6 – APPROVAL OF AMENDED PARKING REDUCTION FOR FAIRFAX CORNER CENTER (SPRINGFIELD DISTRICT)** (6:30 p.m.)

On motion of Supervisor Herrity, seconded by Supervisor McKay, and carried by a vote of nine, Supervisor Gross being absent, the Board concurred in the recommendation of staff and approved a parking reduction of 26.3 percent for Fairfax Corner Center, pursuant to paragraph 4(B), Section 11-102 of the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), based on an analysis of the parking requirements for each use on the site and a parking reduction study, on the conditions as outlined in the Board Agenda Item dated September 14, 2009.

49. **A-7 – APPROVAL OF PARKING REDUCTION FOR BROOKFIELD CORPORATE CENTER PARK PHASE 2 (SULLY DISTRICT)** (6:30 p.m.)

On motion of Supervisor Frey, seconded by Supervisor Foust, and carried by a vote of nine, Supervisor Gross being absent, the Board concurred in the recommendation of staff and approved a parking reduction of 21 percent (48 parking spaces) for Brookfield Corporate Center Park Phase 2, pursuant to paragraph 4(B), Section 11-102 of the Code of the County of Fairfax, Chapter 112 (Zoning Ordinance), based on an analysis of the parking requirements for each use on the site and a parking reduction study, on the conditions as outlined in the Board Agenda Item dated September 14, 2009.

50. **A-8 – RENEWAL OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT (FCPD) AND THE US DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION (DEA) HIGH INTENSITY DRUG TRAFFIC AREAS (HIDTA) TASK FORCE** (6:30 p.m.)

On motion of Supervisor McKay, seconded by Supervisor Foust, and carried by a vote of nine, Supervisor Gross being absent, the Board concurred in the recommendation of staff and authorized the Chief of Police to renew the MOU between the FCPD and the DEA HIDTA Task Force.

51. **A-9 – APPROVAL OF A DRAFT BOARD OF SUPERVISORS' MEETING SCHEDULE FOR CALENDAR YEAR 2010** (6:31 p.m.)

Chairman Bulova announced that the schedule changes the Board's meeting days from Mondays to Tuesdays and noted that on August 3, 2010, National Night Out, the Board would have no afternoon public hearings so that the Board could participate in National Night Out.

Supervisor Hyland moved that the Board concur in the recommendation of staff and approve the draft meeting schedule for January through December 2010. Supervisor Herrity seconded the motion.

Supervisor Smyth noted that October 12, 2010, is the day after Columbus Day which precluded having a business day the day before the Board meeting. Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and asked to amend the schedule by combining the October 12, 2010, and October 26, 2010, meetings and instead meet on October 19, 2010. This was accepted.

The question was called on the motion, as amended, and it carried by a vote of nine, Supervisor Gross being absent.

52. **A-10 – RENEWAL OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE FAIRFAX COUNTY POLICE DEPARTMENT AND THE US DEPARTMENT OF JUSTICE DRUG ENFORCEMENT (DEA) TASK FORCE** (6:34 p.m.)

On motion of Supervisor Smyth, seconded by Supervisor Herrity, and carried by a vote of nine, Supervisor Gross being absent, the Board concurred in the recommendation of staff and authorized the Chief of Police to renew the MOU between the FCPD and the DEA Task Force (Washington Division Group 21).

53. **C-1 – APPROVAL OF AMENDMENTS TO THE BYLAWS FOR THE ANIMAL SERVICES ADVISORY COMMISSION (ASAC)** (6:35 p.m.)

(BACs) The Board next considered an item contained in the Board Agenda dated September 14, 2009, regarding the proposed amendments to the bylaws for the ASAC.

Supervisor Frey moved approval of the proposed amendments to the bylaws for the ASAC. Chairman Bulova seconded the motion and it carried by a vote of nine, Supervisor Gross being absent.

54. **C-2 – APPEAL OF A PROFFER INTERPRETATION FOR REZONING APPLICATION RZ 86-C-121, RESTON TOWN CENTER (HUNTER MILL DISTRICT)** (No Time)

(Note: Earlier in the meeting, the Board took action on this item. See Clerk's Summary Item #28.)

55. **I-1 – PLANNING COMMISSION (PC) ACTION ON PUBLIC FACILITIES APPLICATION 2232-D09-2, NEWPATH NETWORKS, LLC AND NEW CINGULAR WIRELESS PCS, LLC (DRANESVILLE DISTRICT)** (6:35 p.m.)

The Board next considered an item contained in the Board Agenda dated September 14, 2009, announcing the PC's approval of Public Facilities Application 2232-D09-2, with the exception of node GFE9, which was deferred. The application sought approval to construct a telecommunications distributed

antenna system along portions of Arnon Chapel Road, Beach Mill Road, Georgetown Pike, River Bend Road, Seneca Road, Springvale Road, Utterback Store Road, and Walker Road in the Great Falls area. The additional nodes will be located on portions of public rights-of-way on Tax Maps 2-4, 3-3, 3-4, 6-2, 6-4, 7-1, 7-3, 7-4, 8-1, 8-2, 8-3, 8-4, 12-1, 13-2; Tax Maps 8-2((1))14A; 12-1 ((1))1; 13-1 ((1)) 2, 2A.

The staff was directed administratively to proceed as proposed.

56. **I-2 – COUNTY HOLIDAY SCHEDULE – CALENDAR YEAR 2010**  
(6:36 p.m.)

The Board next considered an item contained in the Board Agenda dated September 14, 2009, requesting authorization for staff to adopt the County holiday schedule for calendar year 2010.

The staff was directed administratively to proceed as proposed.

**NV:nv**

**ADDITIONAL BOARD MATTERS**

57. **MAINTENANCE AND CONTROL OF STATE ROADS WITHIN THE COUNTY** (6:36 p.m.)

(BACs) Chairman Bulova said that at the Board's Retreat in June, the last item on the agenda was a discussion of transportation and, in particular, the lack of State funding for both capital improvements of secondary roads, as well as for maintenance of roads and highways within the County.

In recent years, to keep most major transportation projects moving, the County has had to obtain or provide funding from non-State sources including County bonds. In 2004 the County received \$28 million for capital improvements of secondary roads from the State. For the *current* fiscal year, the County is receiving only \$240,000 – not even enough for one new traffic signal. Next year the allocation is expected to be \$0.

Chairman Bulova noted that most people do not realize that roads in almost all of Virginia's counties are owned and maintained by the State. Often, blame is unfairly placed with the County for the inadequate three-times-per-year Virginia Department of Transportation (VDOT) mowing schedule, unfilled potholes, and the sluggish pace for resurfacing neighborhood streets and sidewalks. She is sympathetic to VDOT because of the downturn in the economy, but many of the issues are not new. Constituents call their County Supervisor instead of VDOT when streets go unplowed during the winter or when traffic signals malfunction.

Chairman Bulova said that the bottom line is that County residents are living under a system based in Virginia's history when, as an agrarian economy, cities were the urban areas. Under this system, cities and towns own and maintain their own roads, but receive a larger share of state dollars for their roads (twice VDOT's budget for roads in the County). In transportation funding formulas, Fairfax is still treated like a rural, farming community.

Chairman Bulova asserted that no Member of the Board would begrudge the cities and towns their state maintenance funding, but County residents should not have to settle for shaggy grass and unpaved streets. It is unsafe, unsightly, and gives the impression that government is not taking care of business.

The action taken on this subject at the retreat was to refer additional discussion to the Board's Transportation and Legislative Committees. Staff was directed to compile information for the Board to consider regarding possible action it may wish to pursue to address this inequity. Wherever this discussion leads – a County charter giving the Board more home rule and an improved share of State tax dollars; a more equitable change in transportation funding formulas, a serious look at the County becoming a city (a remote possibility), or other options identified by the study, the case needs to be made for the County to be provided adequate funding and authority to keep its communities safe, attractive and vital.

Chairman Bulova said that since the retreat, a number of individuals and organizations have indicated to her their willingness to serve on a blue ribbon task force or commission to explore and advise the Board on this matter. To move this strategy forward, Chairman Bulova relinquished the Chair to Acting-Chairman Hyland and moved that the Board direct the County Executive to prepare an initial scope, timeline, and potential work plan, along with funding implications, for the Board's consideration and discussion at its October Board Transportation Committee meeting. Additionally, information about this proposed course of action should be shared with the Transportation Advisory Commission. Supervisor Herrity and Supervisor McKay seconded the motion.

Following discussion, Supervisor McKay asked to amend the motion to change "October" to "the Transportation Committee meeting subsequent to the one that is currently being rescheduled," and this was accepted.

Following discussion regarding the motion and the urban-rural composition of the General Assembly, Supervisor Cook asked to amend the motion to add the word "bipartisan" to modify "blue ribbon task force."

During the ensuing discussion, Board Members noted the fact that all Board committees are bipartisan and that this was inherent in the motion. All Members of the Board will appoint members to the task force.

Following input from Katharine Ichter, Director, Department of Transportation, regarding flexibility on an earlier distribution of this report to the Board either in

advance of a Board meeting or Transportation Committee meeting, generally within a month, Chairman Bulova incorporated this into the motion.

The question was called on the motion, as amended, and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Gross being absent.

58. **RESOLUTION SUPPORTING THE EXTENSION OF HIGH SPEED RAIL SERVICE INTO THE RICHMOND REGION** (6:47 p.m.)

(R) Chairman Bulova said the Commonwealth of Virginia has applied for funding for rail infrastructure improvements between Arkendale and Powell's Creek under the American Recovery and Reinvestment Act (ARRA) (aka "stimulus") high speed rail program. Nationwide the ARRA program will provide \$8 billion in federal funding to support high speed rail and intercity passenger rail projects.

The Commonwealth's application for a \$72 million project will include construction of 11 miles of a third track from Arkendale to Powell's Creek (in the Cherry Hill area of Prince William County), which is currently under design by the Virginia Railway Express (VRE). Work on the design and environmental analysis is approximately 30 percent complete. Because of the project's status, it is being proposed by the Commonwealth for Round 1 funding under Track 1 as a ready to go project. Round 1 grant awards are expected to be announced this fall.

This project will significantly improve performance for riders of the VRE, reduce congestion along the I-95 corridor, and improve air quality. The Northern Virginia Transportation Commission and VRE have already endorsed this application, as has the Prince William County Board. Therefore, Chairman Bulova moved that the Board go on record as well by adopting the Resolution. Supervisor Foust seconded the motion.

Following a brief discussion regarding the use of ARRA funds, the question was called on the motion and it carried by a vote of eight, Supervisor Cook, Supervisor Foust, Supervisor Herrity, Supervisor Hudgins, Supervisor McKay, Supervisor Smyth, and Chairman Bulova, and Acting-Chairman Hyland voting "AYE," Supervisor Frey being out of the room, Supervisor Gross being absent.

59. **OAK HILL OPEN HOUSE (BRADDOCK DISTRICT)** (6:49 p.m.)

In a joint Board Matter with Supervisor Cook, Chairman Bulova said that Oak Hill is a privately owned eighteenth century Georgian-style home that was preserved in October 2004 when the Board of Supervisors, the Park Authority Board, and Northern Virginia Conservation Trust negotiated the purchase of an historic easement from Seville Homes. The home and adjacent properties are all that remain of the Fitzhugh land grant, the Ravensworth Tract - totaling more than 22,000 acres - dating from the 1670s. This was one of three plantations owned by the Fitzhugh family and today the original home remains intact along with much

of the historic landscape, including 200-year-old boxwoods. As part of the agreements, limited public access to the site is provided each year.

On October 3 the Park Authority and the Look Back at Braddock Committee will be hosting the third annual Oak Hill Open House at an eighteenth Century Fitzhugh Mansion at the corner of Wakefield Chapel Road and Braeburn Drive, in Annandale. This is an excellent opportunity to celebrate local history at this free family festival at one of the oldest homes in the County. The event will take place from noon to 5 p.m.

Some of the highlights of this day include: a Civil War re-enactor, speakers on the history and architecture of Oak Hill and the history of the County during the Civil War, and learning about the care of boxwood shrubs. Musical entertainment will be provided by the Oak Hill Trio, a string ensemble. Free shuttle service will be provided from the parking lot at the Nancy Sprague Technology Center and there will be free light refreshments.

Therefore, Chairman Bulova, jointly with Supervisor Cook, asked unanimous consent that the Board direct the Office of Public Affairs to publicize Oak Hill Day. Without objection, it was so ordered.

60. **TRY TRANSIT WEEK** (6:49 p.m.)

Jointly with Supervisor Hudgins and Supervisor McKay, Chairman Bulova said that the public transit is an important part of County's transportation system and transit provides numerous benefits to County residents. For example, a study by the American Public Transportation Association found that households can save up to \$9,000 annually in fuel and car repair expenses by taking advantage of transit. Additionally, transit can reduce congestion caused by traffic; the Virginia Transit Association found that each bus can remove up to 40 vehicles from the road, and each rail car can remove up to 125 vehicles from the road.

Jointly with Supervisor Hudgins and Supervisor McKay, Chairman Bulova asked unanimous consent that the Board:

- Affirm its support for transit and declare September 21 through September 25 as "*Try Transit Week*" in the County.
- Direct the Office of Public Affairs to publicize this event and deliver a proclamation recognizing "Try Transit Week" to the offices of Department of Transportation by September 21.

Without objection, it was so ordered.

61. **AMERICAN INDIAN HERITAGE MONTH** (6:51 p.m.)

Chairman Bulova announced that the month of November is nationally recognized as American Indian Heritage Month. She asked unanimous consent that the Board direct the Office of Public Affairs to invite representatives from the Office of Human Rights and Equity Programs to appear before the Board at its October 19 meeting to receive a proclamation declaring November as “*American Indian Heritage Month*” in Fairfax County. Without objection, it was so ordered.

62. **THE ART OF DRIVING** (6:51 p.m.)

Chairman Bulova said that the ART of Driving was founded by Robin Thompson as an outreach program of the Ashley Renee Thompson Memorial Foundation. This remarkable program recently won the 2009 Virginia Governor’s Transportation Safety Award for Youth Traffic Safety.

The program is designed to raise awareness about the unique challenges that young drivers face. Its outreach encourages teen drivers and parents to increase time behind the wheel with parental supervision to help improve driver training.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to invite Ms. Robin Thompson to appear before the Board on October 19 to be recognized for initiating and promoting this noteworthy program. Without objection, it was so ordered.

63. **RECOGNITION OF PAUL AND MARGARET ANDINO** (6:52 p.m.)

(BACs) Chairman Bulova expressed her appreciation to Paul and Margaret Andino for their dedicated service while serving as the Braddock District Water Authority appointees. She said that the Braddock District was fortunate to have Mr. Andino’s service for 21 years. Over the years her office has always been able to count on the Andinos to help constituents resolve problems surrounding Water Authority issues.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to invite the Andinos to appear before the Board to receive recognition for their long time service. Without objection, it was so ordered.

64. **RECOGNITION OF MR. MARVIN CANTOR** (6:53 p.m.)

(BACs) Chairman Bulova expressed her appreciation to Mr. Marvin Cantor for his dedicated service on the Board of Building and Fire Prevention Code Appeals. The County has been fortunate to have Mr. Cantor’s professional guidance and assistance on the Board for 22 years. He served as chairman for most of his tenure on the Board of Building and Fire Prevention Code Appeals.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to invite Mr. Cantor to appear before the Board to receive recognition for his long time service. Without objection, it was so ordered.

65. **VOLUNTEERFEST 2009** (6:53 p.m.)

Chairman Bulova said that Volunteer Fairfax, along with other nonprofit and public agencies, will be promoting philanthropy and volunteerism by celebrating VolunteerFest<sup>®</sup> Day on October 24. This day is designed to be a national day of giving back that helps to celebrate and strengthen the spirit of volunteer service.

Volunteering provides a meaningful way to connect residents from a multitude of backgrounds and cultures. For years VolunteerFest<sup>®</sup> has provided a unique opportunity for busy residents to offer their time and talents to help better their community. The County is fortunate to have such wonderful and dedicated volunteers that are committed to helping make the County a better place to live, work, and play.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to invite representative members of those coordinating VolunteerFest<sup>®</sup> to appear before the Board on October 19 to receive a proclamation recognizing October 24 as VolunteerFest<sup>®</sup> 2009. Without objection, it was so ordered.

66. **FIRE PREVENTION WEEK** (6:54 p.m.)

Chairman Bulova said that the National Fire Protection Association (NFPA) found that fire departments throughout the United States responded to nearly 399,000 home fires in 2007 alone. During the week of October 4-10 the Fire and Rescue Department will be promoting fire safety practices with the theme, "It's Fire Prevention Week. Stay Fire Smart! Don't Get Burned."

Chairman Bulova noted that there are simple daily practices that can significantly reduce fires and fire related injuries. These include being attentive while cooking and planning a home fire escape plan. Individuals are encouraged to utilize these as well as the other techniques the Fire and Rescue Department promote to prevent fires.

Therefore, Chairman Bulova asked unanimous consent that the Board direct the Office of Public Affairs to invite representative members of the Fire and Rescue Department to appear before the Board on October 5 to receive a proclamation recognizing the week of October 4-10, 2009, as "*Fire Prevention Week*" in Fairfax County. Without objection, it was so ordered.

Acting-Chairman Hyland returned the gavel to Chairman Bulova.

67. **HIGH-OCCUPANCY TOLL (HOT) LANES** (6:55 p.m.)

Jointly with Supervisor Cook, Supervisor Gross, Supervisor Herrity, and Chairman Bulova, Supervisor McKay noted that last week, citizens came back from vacation, children and school buses returned to school, and a myriad of business and personal vehicles added to Northern Virginia's chronic traffic congestion. This makes even more disturbing the August 18 announcement by the State that the high-occupancy toll (HOT) lanes planned for I-395 and I-95 will be indefinitely delayed and will be phased to terminate initially on the northern end at the Capital Beltway.

Supervisor McKay noted the current economic situation, and said that the transit and highway infrastructure associated with the HOT Lanes project is too important to let the region's transportation network be put on indefinite hold. Given the miniscule level of transportation funding available through other revenue sources, a tolling option, such as the HOT lanes proposal, may be the only viable opportunity to achieve the critical infrastructure needed in the I-95/I-395 corridor, as well as promote further use of mass transit.

This project has many local implications. To fast track the construction of a commuter parking lot in the Springfield area, the County has already committed to purchase the former Circuit City site and is counting on the State's completion of other land acquisitions (namely the service station and former Long John Silver's restaurant) for the parking lot. The commuter lot must be completed before the HOT lanes project begins to facilitate HOV use and reduce traffic during construction.

There are other serious issues associated with delaying the project and particularly with phasing the project to initially terminate at the Capital Beltway. These include essentially negating the value of the project for County motorists and public transit users heading to jobs in Arlington, Alexandria, and DC if the project ends at the Capital Beltway. This will unfairly burden other transportation infrastructure in the County with traffic heading to inside the Beltway destinations and does not solve the many existing access problems inside the Beltway. Terminating the project at the Beltway will further exacerbate the commuting nightmare resulting from the ill-conceived BRAC decision to locate more than 6,000 employees at the Mark Center with very limited transit and roadway network capacity improvements and will make an unimproved Seminary Road area impassable.

Supervisor McKay expressed grave concerns about the idea of stopping the project at the Capital Beltway and called on the State to immediately reexamine the issues associated with the proposed phasing of the I-395/I-95 HOT lanes project, in close coordination with the County officials, and to evaluate, at a minimum, an option to include the Seminary Road interchange as the northern terminus rather than the Beltway.

Therefore, jointly with Supervisor Cook, Supervisor Gross, Supervisor Herrity, and Chairman Bulova, Supervisor McKay asked unanimous consent that the Board direct staff to prepare a letter to Governor Kaine, outlining the Board's strong concerns

regarding the implementation of the I-395/I-95 project and encouraging the Governor to keep this project of regional and local importance moving forward on an expedited basis. A draft letter for the Chairman's signature was circulated to the Board. Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Gross being absent.

68. **CARBON NEUTRAL HOUSE IN McLEAN (DRANESVILLE DISTRICT)**  
(6:59 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Foust announced that one of the first "carbon neutral" houses in the US has been constructed in McLean. The project showcases a new approach to development whereby more efficient building design, innovative technology, and smart locations can be combined to reduce carbon emissions, the leading source of Greenhouse gases. Development of the carbon neutral house is a partnership between McLean based WEST\*GROUP and Arlington based GreenSpur, Incorporated.

As outlined in his written Board Matter, Supervisor Foust described the house and its energy qualities and environmentally responsible design. He announced that that WEST\*GROUP will open the house to the public from October 10 through October 30. Proceeds from the open house will benefit the McLean Project for the Arts, Friendship School, a charter school located in the District of Columbia, the Injured Marines Semper Fi Fund, and the Intrepid Fallen Heroes Fund.

Supervisor Foust commended WEST\*GROUP and GreenSpur for their spectacular job developing a home that is attractive and functional and serves as a model for the kind of residential development needed in the fight to reverse global warming. He stressed the importance of exposing as many home builders and home buyers to the technology and the results achieved.

Accordingly, Supervisor Foust asked unanimous consent that the Board direct the Office of Public Affairs to:

- Distribute information publicizing the open house.
- Invite representatives from WEST\*GROUP and GreenSpur, the design team, and Charity Works to the October 5 Board meeting to be recognized for their efforts and contributions to this important project.

Without objection, it was so ordered.

69. **AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (ARRA)**  
**TRAINING ON COLLUSION AND FRAUD AWARENESS** (7:02 p.m.)

Supervisor Foust said that ARRA ("stimulus") will provide funding for numerous public projects and services including transportation, infrastructure projects,

public safety, human services, education, and energy programs. Because of the enormous expenditure of federal funds under ARRA, the federal government is implementing special measures to protect against fraud and collusion in public contracting for those funds. These measures include a training session offered by the US Department of Justice (DOJ) to train individuals at all levels of the funding process on collusion and fraud awareness. The training is described on DOJ's website [http://www.usdoj.gov/atr/public/criminal/economic\\_recovery.htm](http://www.usdoj.gov/atr/public/criminal/economic_recovery.htm). The goals of the training are to prevent collusion and fraud in the process of awarding contracts and grants and to investigate possible collusion and fraud in contracts or grants that have been awarded. The training focuses on making procurement personnel aware of certain red flags that may indicate collusion or fraud.

Supervisor Foust said that to date, more than 13,000 procurement and grant officials who will be handling ARRA funds, including thousands of state and local government employees, have received the training, which takes less than two hours and is provided without charge by DOJ attorneys.

Accordingly, Supervisor Foust moved that the Board direct staff to investigate and determine whether the training on fraud and collusion awareness should be scheduled and offered to County procurement personnel. Supervisor Hudgins and Chairman Bulova jointly seconded the motion, which carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Gross being absent.

70. **McLEAN PROJECT FOR THE ARTS (MPA) ARTFEST (DRANESVILLE DISTRICT)** (7:04 p.m.)

Supervisor Foust announced that on Sunday, October 4, from 10 a.m. to 5 p.m., the MPA will present its third annual community MPAartfest. Admission is free. This event transforms the McLean Central Park into a lively landscape of mini art galleries, showcasing and offering for sale the work of a diverse group of 40 juried artists.

Supervisor Foust described the event as outlined in his written Board Matter and invited the Board to attend. He expressed appreciation to the MPA, its many volunteers, corporate and community sponsors, supporting partners, and other community volunteers for creating such an outstanding experience.

Accordingly, Supervisor Foust asked unanimous consent that the Board direct the Office of Public Affairs to distribute information publicizing this event to include County offices, libraries, public schools, and community groups. Without objection, it was so ordered.

71. **COMMITTEE FOR HELPING OTHERS (CHO) CELEBRATES ITS FORTIETH ANNIVERSARY** (7:05 p.m.)

Supervisor Hudgins said that CHO was organized in 1969 by a group of concerned churches and individuals in the Dunn Loring, Merrifield, Oakton, and Vienna communities to provide simple, loving charity to those in need of goods and services which they are unable to provide for themselves, or obtain from governmental social service organizations. CHO is an all-volunteer organization whose intent is to help those individuals who are truly in need. On Sunday, October 4, CHO will be celebrating its fortieth anniversary.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a certificate recognizing the fortieth anniversary of CHO and its many volunteers for presentation at the October 4 event. Without objection, it was so ordered.

72. **CLUB PHOENIX TO CELEBRATE ITS TENTH ANNIVERSARY (HUNTER MILL DISTRICT)** (7:05 p.m.)

Supervisor Hudgins said that Club Phoenix, the Town of Vienna's teen center, will celebrate its tenth anniversary on Saturday, September 19. Club Phoenix began as a grassroots effort by the youth and adults in Vienna to provide teens a place of their own. The anniversary celebrations will include festivities for current teen center members and invite former members and community leaders to return to commemorate the community involvement in establishing and building the center.

Therefore, Supervisor Hudgins asked unanimous consent that the Board direct staff to prepare a proclamation honoring this occasion to be presented at the anniversary celebration. Without objection, it was so ordered.

73. **AGREEMENT WITH THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY (WMAA) ON THE USE OF THE TOLL ROAD (HUNTER MILL DISTRICT)** (7:06 p.m.)

Supervisor Hudgins said that Phase 1 of the Dulles Corridor Metrorail Project (Project) is under construction and there is much to celebrate. While County residents, especially those along the Dulles Corridor, will experience some pain during the construction of the project, she asserted that this as an important priority. The source of funding for the project continues to raise concerns. To date, phase 1 of the project is divided as 34 percent federal, 10 percent State, 15 percent County, and 41 percent MWAA (tolls). Tolls generated from the County section of the Dulles Toll Road make up the largest share of funding for the project, an apportionment that had previously had larger shares of funding from federal and state sources.

Since the earlier announcement in 2005 of the phasing of the project, it was recognized that the Commonwealth portion of the project funding would come from toll revenues. The Board has been on record that, given the deficits in transportation funding from the Commonwealth, the use of toll revenues were appropriate to fund the MetroRail Project, transit use, and capital improvements within the Toll Road, meaning the area from Route 7 to Route 28.

Use of Dulles Toll Road revenue and surplus monies have been specifically spelled out in State and County documents and policies for many years. In 1993, the MWAA secured a pledge from the Commonwealth to *"henceforth dedicate all Toll Road surplus funds (having been previously directed to uses statewide) to the Dulles Corridor for the betterment of the local users paying these tolls."* In its 2005 proposal to operate the Toll Road and build rail, MWAA's press release reaffirms this policy. *"It is important that all the revenues of the Toll Road continue to remain in the corridor and to be used for transportation improvements in the public interest, particularly expedited rail to Dulles. The Toll Road, and the revenue it generates from the citizens, must be preserved for the public and safeguarded as a valued asset for the corridor well into the future."* The Board has consistently endorsed using revenues and any surplus revenues in the County portion of the Dulles Corridor.

The Commonwealth transferred the management of the Toll Road and the project to the MWAA in 2006. Under this transfer, the MWAA will manage the Toll Road and the project using tolls revenues. The December 2006 Master Transfer Agreement and Permit and Operating Agreement changes the previously defined use of toll revenues and how they may be used in the corridor. For instance, surplus toll road revenue will now be *"paid to the Commonwealth for allocation by the CTB for transportation programs and projects that are reasonably related to or benefit the users of the toll road . . ."*

The Dulles Corridor had been generally defined by its eastern (West Falls Church Metrorail Station) and western (Route 722 in Loudoun County) terminus in Loudoun County. Under the new agreement, the definition is broader:

*"Dulles corridor means the transportation corridor with an eastern terminus of the East Falls Church Metrorail station at Interstate Route 66 and a western terminus of Virginia Route 772 in Loudoun County, including without limitation to the Dulles Toll Road, The Dulles Access Road, outer roadways adjacent or parallel thereto, mass transit, including rail, bus rapid transit, and capacity enhancing treatments such as High-Occupancy Vehicle lanes, High-Occupancy Toll (HOT) Lanes, interchange improvements, commuter parking lots, and other transportation management strategies."*

In the spirit of regional cooperation, the County contributed \$50,000 in 2007 to the implementation of a Dulles Loop Study undertaken by the Dulles Loop Implementation Group (DLIG) to look at improvements to Route 50, Route 28, and Route 606 in Loudoun County. This was conditional that no Toll Road revenue be spent on the project. Route 28 improvements are nearly completed, funded by the Route 28 District. Route 50 is being widened by the State. No funding was identified to widen Route 606 in Loudoun County.

Supervisor Hudgins said that documents at recent MWAA public Toll Road hearings and at the final meeting of the Dulles Loop group noted that Dulles Toll Road surplus monies will fund a third of the \$2 million needed for the preliminary engineering study of Route 606 widening. Under the 2006 master agreement, Toll Road revenues and bonds backed by Toll Road revenue could conceivably fund construction of widening Route 606 to 8 lanes in the future. She noted that she first raised questions with staff last spring when the DLIG study was published. The response was that a specific source of funds for Route 606 was not available.

Citing that this is the first test of how Toll Road revenue will be used to fund Capital Improvements in the corridor and raises concerns about how these funds will be prioritized and used in the future, Supervisor Hudgins moved that the Board direct staff to:

- Send a letter to MWAA strongly opposing the use of Toll Road revenues for any part of the construction of Route 606 including preliminary engineering, while accepting the need to support the toll increases for the MetroRail Project. This opposition reaffirms the Board's position of April 30, 2007, with respect to the use of tolls for this particular project and consistent with previous Board positions for the use of Toll Road revenues in the corridor.
- Obtain clarification for the definition that is being used in the 2006 Master Transfer and Permit and Operating Agreements to allocate Toll Road revenues in the corridor for Capital Improvements and the prioritization of those improvements.
- That the Board reaffirm its priorities for the use of Toll Road revenues in the following order:
  - a) Maintenance and Operation of the Toll Road.
  - b) Funding for the Dulles Corridor Metrorail Project.
  - c) Supporting transit (Express Bus/rapid transit) on the Toll Road.

- d) Capital Improvements within the Toll Road in the County.
- That the Board again request that it receive an annual report on Toll Road revenues.
  - A legal interpretation and clarification of these and other issues with respect to the use of Toll Road revenues and surplus funds in the Dulles Toll Road Corridor, as enumerated in the 2006 Master Agreements between MWAA and the State, are essential to be certain that the interests of the many County residents who have paid tolls in the Dulles Corridor over the years and who will continue to pay in the future are served.

Supervisor Hudgins moved that the Board direct staff to work with MWAA to resolve these issues. She noted that the letter must be sent by midnight because the comment period closes at that time. Chairman Bulova seconded the motion.

Following discussion regarding use of the tolls and the County's economic engine, Supervisor Herrity asked to amend the motion to add a fifth bullet as follows:

- Direct the Department of Transportation to examine the projected capital financing and operating cost for items a-d that are expected to be paid with the toll revenue proceeds over the next 15 years, the projected volumes of traffic in the resulting tolls. The analysis should include the different assumptions with corresponding tables such as whether the second tax district does not occur and whether Loudoun joins the Metro compact.

This was accepted.

Following further discussion regarding the use of surplus funds, increased tolls, annual justification and analysis, and the Route 606 study, Supervisor Foust asked unanimous consent that the Board direct staff to provide information regarding the decision maker who authorized engineering for the loop study. Without objection, it was so ordered.

Following further discussion regarding express bus service, with input from Anthony H. Griffin, County Executive, the question was called on the motion, as amended, and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Gross being absent.

74. **DEVELOPING A "SHOP FAIRFAX" INITIATIVE** (7:24 p.m.)

In a joint Board Matter with Chairman Bulova, Supervisor Herrity said that local governments all over the country are facing massive budget challenges, but he

reminded the Board that the County's large and small businesses are also facing daunting economic challenges. Although there is certainly no magic bullet to fix this problem, as the elected leaders of the County, the Board needs to be proactive not only in dealing with the problems faced with the County's budget, but also in making sure it does everything it can to assist the businesses that help to fund County services and employ so many of the citizens.

Supervisor Herrity asserted that one of the strategic advantages of the County is its robust and eclectic retail community. No matter what kind of shopping experience one is seeking – a mom and pop shop, a town center or a regional mall – the County has it all.

Retail sales are an important part of the County's budget as one percent of the sales tax from each purchase stays in the County. In the last budget cycle, the County received \$152.25 million in sales tax revenue. This important revenue stream has helped to provide the high quality schools and services residents expect and deserve. Another important benefit provided by the retail establishments are the thousands of jobs they create for County citizens. No job can be taken for granted.

Supervisor Herrity acknowledged that the tax revenue and jobs created by local retail establishments may not always be on the minds of citizens as they shop for that new car, television or clothing item. According to the 3/50 Project, a nationwide initiative aimed at encouraging the patronage of local, independently owned businesses, for every \$100 spent in a local store, \$68 returns to the community through taxes, payroll, and expenditures. If the money is spent online, none of it stays in the community.

Supervisor Herrity said that is why he began the development of an initiative called "Shop Fairfax," which is a campaign to remind the citizens of the County that when they shop in the County, part of their money stays here to fund things they value like police officers, fire fighters, and teachers. Another aim of the initiative is to remind residents that when they spend here they are also helping to save local jobs. Over the past couple of weeks he presented this idea to the County Chamber of Commerce, several of the local Chambers of Commerce, Chairman Bulova, Visit Fairfax, and the County Economic Development Authority in an attempt to form a coalition that can get this initiative off the ground. He reported that everyone enthusiastically supported the idea and last week had their first meeting to begin development of a strategy for "Shop Fairfax."

Therefore, jointly with Chairman Bulova, Supervisor Herrity moved that the Board formally endorse the concept of a "Shop Fairfax" program and that further details of the program be reported to the Board at its October meeting. Chairman Bulova seconded the motion, which carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Gross being absent.

75. **ENCOURAGING MASS TRANSIT IN THE I-66 CORRIDOR** (7:27 p.m.)

Supervisor Herrity stated that I-66 is one of the most congested corridors in the area. Those sitting in this congestion got good news last week as Virginia Transportation Secretary Pierce Homer finally released the schedule for the Multimodal Environmental Impact Statement (EIS). He thanked the Board for its support of the efforts to get this first step to a long term solution for this corridor underway. As outlined in his written Board Matter, he continues to work with the Virginia Department of Transportation (VDOT) on short term solutions to I-66 congestion, such as extended use of the shoulder lanes and safe use of the slip ramps at Stringfellow Road and Monument Drive outside of High Occupancy Vehicle (HOV) hours.

Supervisor Herrity recommended that the Board consider two additional low-cost short term ideas brought to him by a constituent to improve congestion in this corridor and make it easier to take Metro.

First is the use of the electronic messaging signs on I-66 to alert motorists of the status of the Metro parking lots. Many drivers exit for this station only to find out that no parking is available, wasting time and fuel, congesting the local roads, and adding to an already frustrating commute. Signs such as these have been installed at Dulles Airport to help those searching for parking at the airport. Use of these signs would allow drivers to continue on to a station with parking still available.

Supervisor Herrity's second suggestion is to consider allowing non-HOV traffic to travel approximately 1.5 miles inside the Beltway to the exit for parking near the West Falls Church Metro stop. Allowing non-HOV commuters this access may help take drivers off the road as those who would otherwise have driven to work on alternate roads after finding no parking available at the Vienna station would now have the option to continue on to the West Falls Church-VT/UVA station, which typically has more parking available and later in the day. He expressed the belief this could increase the number of people taking Metro.

Accordingly, Supervisor Herrity asked unanimous consent that the Board direct staff to work with VDOT and the Washington Metropolitan Area Transit Authority (WMATA) to perform a preliminary review of the feasibility and the costs and benefits of pursuing or implementing both of these initiatives to make it easier for those trying to take Metro and report with its findings.

Following discussion regarding enforcement, and additional traffic in the area of the West Falls Church Metro Station and its parking availability, without objection, it was so ordered.

76. **SYDENSTRICKER UNITED METHODIST CHURCH CELEBRATES CENTENNIAL ANNIVERSARY (SPRINGFIELD DISTRICT)** (7:32 p.m.)

Supervisor Herrity announced that Sydenstricker United Methodist Church on Hooes Road in Springfield is celebrating its centennial anniversary. The Church's history started in 1909 with modest expansion over time. At first the church opened on the wooden floors of a dancing pavilion, later the church practiced in a small schoolhouse, over time they were able to bring volunteers together to build a church on donated land on the back roads of what was then known as Corbett, Virginia. Since those times, the church now finds itself with six buildings on the campus on Hooes Road, one of which is shared with a Korean Church.

Supervisor Herrity described the church's mission and charitable works as outlined in his written Board Matter. To honor not only the good work that the congregation of Sydenstricker United Methodist Church does in the County and beyond, but also to honor its first centennial celebration, Supervisor Herrity asked unanimous consent that the Board prepare a resolution to present to members of the church at a future Board meeting. Without objection, it was so ordered.

77. **RECOGNIZING VOLUNTEER SOLUTIONS TO THE DIGITAL TELEVISION CONVERSION** (7:33 p.m.)

Supervisor Herrity noted that as of June 12, television stations nationwide have been broadcasting exclusively in a digital format. Leading up to this date, there was growing concern that some of the County's older adults and adults with disabilities would need assistance preparing for this nationwide transition.

Volunteer Solutions, a program of the Department of Family Services' Fairfax Area Agency on Aging, recruited volunteers to install TV conversion equipment. The Department of Cable Communications and Consumer Protection then trained these volunteers. Since that time, seven County volunteers installed conversion equipment into the homes of more than 179 senior County residents.

Supervisor Herrity asked unanimous consent that the Board direct staff to invite the following volunteers, Scott Bennyhoff, Elliott (Pete) Brown, John Peters, Albert (Len) Pfeifer, Randall Scott, Glen Willis, and Herb Won, to appear before the Board to be thanked and congratulated on a job well done and presented with a certificate of recognition. Without objection, it was so ordered.

78. **CHANTILLY ALL-STARS (SPRINGFIELD AND SULLY DISTRICTS)** (7:34 p.m.)

In a joint Board Matter with Supervisor Frey, Supervisor Herrity asked unanimous consent that the Board direct staff to invite the Chantilly American Major All Stars team that advanced to the regional finals to appear before the Board in recognition of its accomplishment. Without objection, it was so ordered.

79. **UNIVERSAL DESIGN SEMINAR** (7:35 p.m.)

Supervisor Herrity announced a Universal Design Seminar for Thursday, September 24 from 9 a.m. to noon at the West Springfield Governmental Center. He expressed appreciation to Merni Fitzgerald, Director, Office of Public Affairs, and her staff for their publicity efforts. He noted that Supervisor Gross held one and he encouraged other Board Members to do so.

**PMH:pmh**

80. **FORECLOSURES AND AFFORDABLE DWELLING UNITS (ADUs)**  
(7:36 p.m.)

Jointly with Supervisor Hudgins, Supervisor McKay said that the County has witnessed a steady increase in foreclosures on its stock of ADUs. Often, foreclosures by lenders who have provided first trust purchase money loans to ADU owners may be able to sell the properties at foreclosure free of the ADU restrictions if certain requirements are met. Although the Zoning Ordinance provides that the County is entitled to share in the foreclosure proceeds above the maximum control price, the unit is lost as affordable housing. In addition, a number of ADU purchasers have obtained loans in excess of the maximum control price for their units. Although no lender should be permitted to sell any of these properties at foreclosure for amounts in excess of the maximum control price, the present Virginia foreclosure statute does not adequately address this situation. The result has been confusion and uncertainty in virtually every foreclosure involving an ADU where a lender has provided financing in excess of the maximum control price.

In recognition of the inadequacy of the current foreclosure procedures set out in the Code of Virginia to fairly and adequately deal with ADUs, Supervisor McKay moved that the Board:

- Refer this matter to the Board's Legislative Committee.
- Direct staff to consider legislation that would amend the State foreclosure statute to permit a redevelopment and housing authority, or local governing body where no such authority exists, to purchase any ADU at foreclosure during the control period for the maximum control price to preserve affordable housing.

Supervisor McKay noted that such legislation would permit lenders to realize a fair return on their loans up to the full value of the ADU, and would ensure that the affordable dwelling unit could be retained as part of the locality's affordable housing stock. Supervisor Hudgins seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Gross being absent.

81. **WALKING TO SCHOOL** (7:37 p.m.)

Supervisor McKay said that a year ago, he presented a Board Matter about school districts that are updating an old method of getting children to school—walking. One school district in Columbia, Missouri has redrawn its school bus route and instituted a ‘walking school bus’ where children are supervised by adults as they walk to school. The walking school bus concept is expanding into a number of communities across the country.

Supervisor McKay referred to his written Board Matter and asked unanimous consent that the Board direct the County Executive again to share this suggestion with the School Board for consideration and action during the upcoming joint budget reviews or refer this to the Smart Savings Task Force as an agenda item. Supervisor Hudgins seconded the motion.

Following a brief discussion regarding children walking to school, the question was called on the motion and it carried by vote of eight, Supervisor Frey being out of the room, Supervisor Gross being absent.

82. **REQUEST FOR CERTIFICATE OF RECOGNITION FOR LIEUTENANT COLONEL SUZANNE DEVLIN** (7:41p.m.)

Supervisor McKay said that Lieutenant Colonel Suzanne Devlin has retired after 33 years of service with the Police Department. During those years, she held a variety of assignments including Station Commander, Patrol Division Commander, Internal Affairs Crime Prevention, Director of the Criminal Justice Academy, Deputy Chief of Administration, Acting Police Chief in 2004, and finally, as Deputy Chief of Investigation and Operations Support.

Supervisor McKay referred to his written Board Matter outlining Lieutenant Colonel Devlin’s accomplishments and asked unanimous consent that the Board direct staff to invite her to appear before the Board at a future meeting for formal recognition of her service. Without objection, it was so ordered.

83. **NO BOARD MATTERS FOR SUPERVISOR SMYTH (PROVIDENCE DISTRICT)** (7:41 p.m.)

Supervisor Smyth announced that she had no Board Matters to present today.

84. **DULLES DISCOVERY SOUTH RIGHT-OF-WAY (SULLY DISTRICT)** (7:42 p.m.)

On behalf of Supervisor Frey, Supervisor Cook said that on January 22, 2007, the Board approved Rezoning Application RZ 2003-SU-035 for rezoning to the PDH-16 and PDC Zoning Districts consistent with Comprehensive Plan Amendment S03-III-DS1, which rezoning includes 1.54667 acres of Barnsfield Road right-of-way. In the time since that approval, the applicant has satisfied a proffer requiring

it to acquire on behalf of the Park Authority a parcel at the terminus of Barnsfield Road, to serve as a buffer for the Sully Historic Site. The applicant also has acquired two parcels at the eastern end of Barnsfield Road at its intersection with Centreville Road, and now owns all of the land on either side of the entirety Barnsfield Road, except for the Park Authority "buffer" parcel.

Due to market and economic considerations unforeseen at the time the rezoning was approved, the applicant now intends to file a proffered condition amendment on a portion of the site, and a concurrent rezoning application as well as a special exception for increase in building height to facilitate development of a secure government office park. The proposed plan contemplates the elimination of Barnsfield Road and redevelopment of the underlying land, consistent with the Comprehensive Plan.

Therefore, on behalf of Supervisor Frey, Supervisor Cook moved that the Board authorize the inclusion of approximately 1.9919 acres of right-of-way for a portion of Barnsfield Road (Route 763) within the land area of Proffered Condition Amendment Application PCA 2003-SU-035, as well as rezoning and special exception applications to be filed concurrently therewith. The right-of-way areas to be included are adjacent to tax map parcels 34-2-((1))-2, 3A, 7, 8, 10A, 27 and 35. This motion does not relieve the applicant from complying with all regulations, ordinances, or adopted standards, and does not predetermine or prejudice the consideration of the rezoning applications or future abandonment/vacation requests in any way. Supervisor Hyland seconded the motion and it carried by a vote of eight, Supervisor Frey being out of the room, Supervisor Gross being absent.

85. **RECOGNITION OF BURKE CENTER LIBRARY DESIGN TEAM (BRADDOCK DISTRICT)** (7:44 p.m.)

Supervisor Cook announced that the Potomac Valley Chapter of the American Institute of Architects awarded the Burke Centre Library the 2009 Award of Merit for the building's "thorough integration of sustainable strategies." The Institute noted specifically the rainwater collection system and use of ample natural day-lighting for the building interior.

This was not the only honor bestowed upon the library for its design. The American Public Works Association VA/DC/MD Chapter bestowed on the library its 2009 Project of the Year Award in the \$5 to \$20 Million Structures Category. The National Association of Industrial and Office Properties awarded the library its 2009 Merit Award for Best Building, Environmentally Responsible Green Construction, and its 2009 Award of Excellence Best Building, Institutional Facility under \$20 million.

Therefore, Supervisor Cook asked unanimous consent that the Board offer its congratulations to the architect of this project, Grimm and Parker Architects of McLean, Virginia as well as to Katayoon Shaya, a senior architect for the County, who served as project manager. Without objection, it was so ordered.

Chairman Bulova suggested that the Board look for an opportunity to express its appreciation to the team.

86. **VERIZON DIG ON LOOKOUT COURT (MOUNT VERNON DISTRICT)**  
(7:46 p.m.)

Supervisor Hyland said that for 20 years, the residents of Lookout Court have lobbied State representatives to have the street repaved. Improper construction and poor drainage caused the road to become increasingly cracked and full of potholes. Two weeks after Lookout Court finally received a fresh coat of asphalt, a telecommunications crew spray painted the road in preparation of a fiber optic cable installation, which will require them to cut and patch the court. The issuance of the permit to perform the utility work should have been better coordinated with the scheduled repaving.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct the Department of Transportation to discuss this matter with Virginia Department of Transportation (VDOT) staff and report with information on how coordination is currently done and recommend possible improvements. Without objection, it was so ordered.

87. **HYDRILLA IN WESSYNTON (MOUNT VERNON DISTRICT)** (7:47 p.m.)

Supervisor Hyland said that a resident of the Wessynton community recently spoke to him about the spread of hydrilla in Little Hunting Creek and the other coves and bays along the Potomac River and his concern that it is beginning to hinder navigation and threaten the lives of those who choose to swim where it grows. In the 1980s, the United States Army Corps of Engineers (USACOE) Baltimore District entered into an agreement with Virginia, Maryland, the District of Columbia, and the Metropolitan Council of Governments (COG) to control hydrilla and other nuisance plants in the Potomac River under their Aquatic Plant Control Program. In the past few years, many creeks have been cleared of hydrilla as part of this program. However, due to budget constraints, last year the State withdrew funding for hydrilla removal. According to watermen and those who live along the water, the hydrilla is once again growing faster than has been seen in many years.

Therefore, Supervisor Hyland asked unanimous consent that the Board direct staff to discuss control options with the USACOE and COG. Without objection, it was so ordered.

88. **LOBSTERFEST (MOUNT VERNON DISTRICT)** (7:48 p.m.)

Supervisor Hyland announced that a lobsterfest and a ceremonial throw away of his last crutch event will be held on October 3 in Mount Vernon District.

89. **GIFT FROM CHAIRMAN BULOVA** (7:49 p.m.)

Chairman Bulova presented to Board Members a gargoye refrigerator magnets and chocolate from her trip to Paris.

90. **BOARD ADJOURNMENT** (7:50 p.m.)

The Board adjourned.

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